

**3. Hunting knives.** Knives used for the purposes of hunting, fishing or trapping as defined in Title 12, section 7001;

**4. Law enforcement officers and corrections officers.** Law enforcement officers and corrections officers as permitted in writing by their employer;

**5. Private investigators.** [Repealed]

**6. Licensed hunters and trappers.** Firearms carried by any person engaged in conduct for which a state-issued hunting or trapping license is required and possessing the required license, or firearms carried by a resident person engaged in conduct expressly authorized by Title 12, section 7377, subsections 1 and 2. This subsection does not authorize or permit the carrying of a concealed or loaded firearm in a motor vehicle.; and

**7. Permit issued by another state or country.** A firearm carried by a person to whom a valid permit to carry a concealed firearm has been issued by another state or country if a permit to carry a concealed firearm issued from that state or country has been granted reciprocity. The Chief of the State Police may enter into reciprocity agreements with 2 other states. Reciprocity may be granted to a permit to carry a concealed firearm issued from another state or country if:

**A.** The other state or country that issued the permit to carry a concealed firearm has substantially equivalent or stricter requirements for the issuance of a permit to carry a concealed firearm; and

**B.** The other state or country that issued the permit to carry a concealed firearm observes the same rules of reciprocity in regards to a person issued a permit to carry a concealed firearm under this chapter.

## Chapter 252-A. Firearms Regulations

### 2011. State preemption

**1. Preemption.** The State intends to occupy and preempt the entire field of legislation concerning the regulation of firearms, components, ammunition and supplies. Except as provided in subsection 3, any existing or future order, ordinance, rule or regulation in this field of any political subdivision of the State is void.

**2. Regulation restricted.** Except as provided in subsection 3, no political subdivision of the State, including, but not limited to, municipalities, counties, townships and village corporations, may adopt any order, ordinance, rule or regulation concerning the sale, purchase, purchase delay, transfer, ownership, use, possession, bearing, transportation, licensing, permitting, registration, taxation or any other matter pertaining to firearms, components, ammunition or supplies.

**3. Exception.** This section does not prohibit an order, ordinance, rule or regulation of any political subdivision which, with the exception of appropriate civil penalty provisions, conforms exactly with any applicable provision of state law or which regulates the discharge of firearms within a jurisdiction.

**4. Law enforcement agency.** Nothing in this section limits the power of any law enforcement agency to regulate the type and use of firearms issued or authorized by that agency for use by its employees. For the purposes of this section "law enforcement agency" has the same meaning as set forth in section 3701.

### 2012. Sale of firearms to include safety brochure

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

**A. "Basic firearm safety brochure"** means a brochure, produced by a national, nonprofit membership organization that provides a comprehensive voluntary safety program including the training of people in the safe handling and

use of firearms or by any other organization, that contains the following information relating to firearms:

(1) Rules for safe handling, storage and use of firearms;

(2) Nomenclature and descriptions of various types of firearms; and

(3) Responsibilities of firearm ownership.

**B. "Firearm"** has the same meaning as in Title 17-A, section 2, subsection 12-A.

**C. "Firearm dealer"** means a person who is licensed as a dealer under 18 United States Code, Section 923, or who is required to be licensed as a dealer under that section.

**2. Requirement.** A firearm dealer must:

**A.** Include a basic firearm safety brochure with every firearm sold at retail in this State, except that the brochure need not be supplied by the firearm dealer if the firearm manufacturer provides a basic firearm safety brochure with the firearm. The dealer may collect a charge for the brochure, which may not be greater than the dealer's cost to obtain the brochure;

**B.** Offer to demonstrate to the purchaser the use of a trigger locking device; and

**C.** Post in a conspicuous place information relating to the availability of known local voluntary firearm safety programs.

**3. No liability.** Organizations that produce basic firearm safety brochures for distribution to firearm dealers for subsequent distribution to purchasers of firearms and firearm dealers are not liable for injuries resulting from the accidental discharge of nondefective firearms purchased from any dealer.

[Current through First Regular Session, 120<sup>th</sup> Maine Legislature (June 2001), including 2001 Me. Laws 383 (LD 1740; eff. Jan. 31, 2003), 429 (LD 1764) & 459 (LD 259)]

## MARYLAND MD. CODE

### Article 27. Crimes and Punishments

#### Carrying or Wearing Weapon

**36. Carrying or wearing concealed weapon; carrying openly with intent to injure; carrying by person under eighteen at night in certain counties.**

**(a) In general.**

(1) Every person who shall wear or carry any dirk knife, bowie knife, switchblade knife, star knife, sandclub, metal knuckles, razor, nunchaku, or any other dangerous or deadly weapon of any kind, whatsoever (penknives without switchblade and handguns, excepted) concealed upon or about his person, and every person who shall wear or carry any such weapon, chemical mace, pepper mace, or tear gas device openly with the intent or purpose of injuring any person in any unlawful manner, shall be guilty of a misdemeanor, and upon conviction, shall be fined not more than \$1,000 or be imprisoned in jail, or sentenced to the Maryland Department of Correction for not more than three years.

(2) In case of a conviction under the provisions of this subsection, if it shall appear from the evidence that such weapon was carried, concealed or openly, with the deliberate purpose of injuring the person or destroying the life of another, the court shall impose the highest sentence of imprisonment prescribed.

(3) In Cecil, Anne Arundel, Talbot, Harford, Caroline, Prince George's, Montgomery, St. Mary's, Washington, Worcester, Kent, and Baltimore Counties it shall also be unlawful and a misdemeanor, punishable as provided in paragraph (1) of this subsection, for any person under eighteen years of age to carry any dangerous or deadly weapon, other than a handgun, between one hour after sunset and one hour before sunrise, whether concealed or not, except while on a bona fide hunting trip, or except while engaged in or on the way to or returning from a bona fide trap shoot, sport shooting event, or any organized civic or military activity.

**(b) Possession of pepper mace.-**

(1) Except as provided in subsection (f) of this section, a minor may not possess pepper mace, either openly or concealed.

(2) A person who violates this subsection is guilty of a misdemeanor and on conviction shall be subject to a fine of up to \$1,000 or imprisonment for up to 3 years or both. ...

**(f) Exceptions.** Nothing in this section shall be construed to prevent the carrying of any of the weapons mentioned in subsections (a) and (b) of this section by:

(1) An officer of this State, or of any county or city, who is entitled or required to carry such weapon as part of the officer's official equipment, or by any conservator of the peace, who is entitled or required to carry such weapon as part

of the conservator's official equipment, or by any officer or conservator of the peace of some other state temporarily sojourning in this State;

(2) Any special agent of a railway;

(3) Any person to whom a permit to carry a concealed weapon has been issued under § 36E of this article; or

(4) Any person who shall carry such weapon as a reasonable precaution against apprehended danger, but the tribunal before which any case arising under the provisions of this section may be tried, shall have the right to judge of the reasonableness of the carrying of any such weapon, and the proper occasion therefor, under the evidence in the case.

#### Carrying Deadly Weapons on Public School Property

**36A. Carrying or possessing deadly weapon upon school property.**

**(a) In general.** No person, unless otherwise excepted in this section, shall carry or possess any rifle, gun, knife, or deadly weapon of any kind on any public school property in this State.

**(b) Exceptions.** Nothing in this section shall be construed to apply to:

(1) Law enforcement officers in the regular course of their duty;

(2) Persons hired by the boards of education in the counties and Baltimore City specifically for the purpose of guarding public school property;

(3) Persons engaged in organized shooting activity for educational purposes; or

(4) Persons who, with a written invitation from the school principal, display or engage in historical demonstrations using weapons or replicas of weapons for educational purposes.

**(c) Penalty.** Any person who violates this section shall be guilty of a misdemeanor and on conviction shall be sentenced to pay a fine of no more than \$1,000 or shall be sentenced to the Maryland Department of Correction for a period of not more than 3 years. Any such person who shall be found to carry a handgun in violation of this section, shall be sentenced as provided in § 36B of this article.

### Handguns

#### **36B. Wearing, carrying or transporting handgun; unlawful use in commission of crime.**

**(a) Declaration of policy....**

**(b) Unlawful wearing, carrying, or transporting of handguns; penalties.** Any person who shall wear, carry, or transport any handgun, whether concealed or open, upon or about his person, and any person who shall wear, carry or knowingly transport any handgun, whether concealed or open, in any vehicle traveling upon the public roads, highways, waterways, or airways or upon roads or parking lots generally used by the public in this State shall be guilty of a misdemeanor; and it shall be a rebuttable presumption that the person is knowingly transporting the handgun; and on conviction of the misdemeanor shall be fined or imprisoned as follows:

(1) If the person has not previously been convicted of unlawfully wearing, carrying or transporting a handgun in violation of this section, or of unlawfully using a handgun in the commission of a crime in violation of subsection (d) of this section, or of unlawfully carrying a concealed weapon in violation of § 36 of this article, or of unlawfully carrying a deadly weapon on public school property in violation of § 36A of this article, he shall be fined not less than two hundred and fifty (\$250.00) dollars, nor more than twenty-five hundred (\$2,500.00) dollars, or be imprisoned in jail or sentenced to the Maryland Division of Correction for a term of not less than 30 days nor more than three years, or both; provided, however, that if it shall appear from the evidence that the handgun was worn, carried, or transported on any public school property in this State, the court shall impose a sentence of imprisonment of not less than 90 days.

(2) If the person has previously been once convicted of unlawfully wearing, carrying, or transporting a handgun in violation of this section, or of unlawfully using a handgun in the commission of a crime in violation of subsection (d) of this section, or of unlawfully carrying a concealed weapon in violation of § 36 of this article, or of unlawfully carrying a deadly weapon on public school property in violation of § 36A of this article, he shall be sentenced to the Maryland Division of Correction for a term of not less than 1 year nor more than 10 years, and it is mandatory upon the court to impose no less than the minimum sentence of 1 year; provided, however, that if it shall appear from the evidence that the handgun was worn, carried, or transported on any public school property in this State, the court shall impose a sentence of imprisonment of not less than three years.

(3) If the person has previously been convicted more than once of unlawfully wearing, carrying, or transporting a handgun in violation of this section, or of unlawfully using a handgun in the commission of a crime in violation of subsection (d) of this section, or of unlawfully carrying a concealed weapon in violation of § 36 of this article, or of unlawfully carrying a deadly weapon on public school property in violation of § 36A of this article, or any combination thereof, he shall be sentenced to the Maryland Division of Correction for a term of not less than three years nor more than 10 years, and it is mandatory upon the court to impose no less than the minimum sentence of three years; provided, however, that if it shall appear from the evidence that the handgun was worn, carried, or transported on any public school property in this State, the court shall impose a sentence of imprisonment of not less than 5 years.

(4) If it shall appear from the evidence that any handgun referred to in this subsection was carried, worn, or transported with the deliberate purpose of injuring or killing another person, the court shall impose a sentence of imprisonment of not less than 5 years.

**(c) Exceptions.**

(1) Nothing in this section shall prevent the wearing, carrying, or transporting of a handgun by: (i) law-enforcement personnel of the United States, or of this State, or of any county or city of this State; (ii) members of the armed forces of the United States or of the National Guard while on duty or traveling to or from duty; (iii) law-enforcement personnel of some other state or subdivision thereof temporarily in this State on official business; (iv) any jailer, prison guard, warden, or guard or keeper at any penal, correctional or detention institution in this State; or (v) sheriffs and temporary or full-time sheriffs' deputies, as to all of whom this exception shall apply only when they are on active assignment engaged in law enforcement; provided, that any such person mentioned in this paragraph is duly authorized at the time and under the circumstances he is wearing, carrying, or transporting the weapon to wear, carry, or transport such weapon as part of his official equipment.

(2) Nothing in this section shall prevent the wearing, carrying, or transporting of a handgun by any person to whom a permit to wear, carry or transport any such weapon has been issued under § 36E of this article.

(3) Nothing in this section shall prevent any person from carrying a handgun on his person or in any vehicle while transporting the same to or from the place of legal purchase or sale, or between bona fide residences of the individual, or between his bona fide residence and his place of business, if the business is operated and substantially owned by the individual, or to or from any bona fide repair shop. Nothing in this section shall prevent any person from wearing, carrying, or transporting a handgun used in connection with a target shoot, formal or informal target practice, sport shooting event, hunting, a Department of Natural Resources sponsored firearms and hunter safety class, trapping, dog obedience training class or show or any organized military activity while engaged in, on the way to, or returning from any such activity. Nothing in this section shall prevent any bona fide gun collector from moving any part or all of his gun collection from place to place for public or private exhibition. However, while traveling to or from any such place or event referred to in this paragraph, a handgun shall be unloaded and carried in an enclosed case or enclosed holster.

(4) Nothing in this section shall prevent a person from wearing, carrying, or transporting a handgun within the confines of real estate owned or leased by him or upon which he resides or within the confines of a business establishment owned or leased by him. Nothing in this section shall prevent a supervisory employee from wearing, carrying, or transporting a handgun within the confines of a business establishment in which he is employed during such time as he is acting in the course of his employment and has been authorized to wear, carry, or transport the handgun by the owner or manager of the business establishment.

(5) Nothing in this section shall prevent a person from carrying or transporting any signal pistol or other visual distress signal approved by the United States Coast Guard, in any vessel used upon the waterways of this State, or if unloaded and carried in an enclosed case, in any vehicle.

#### **(d) Unlawful use of handgun or antique firearm in commission of crime; penalties.**

Any person who shall use a handgun or an antique firearm capable of being concealed on the person in the commission of any felony or any crime of violence as defined in § 441 of this article, whether operable or inoperable at the time of the offense, shall be guilty of a separate misdemeanor and on conviction thereof shall, in addition to any other sentence imposed by virtue of commission of said felony or misdemeanor...

#### **36E. Permits.**

**(a) Issuance.** A permit to carry a handgun shall be issued within a reasonable time by the Secretary of the State Police, upon application under oath therefor, to any person whom the Secretary finds:

(1) Is eighteen years of age or older; and

(2) Has not been convicted of a felony or of a misdemeanor for which a sentence of imprisonment for more than one year has been imposed or, if convicted of such a crime, has been pardoned or has been granted relief pursuant to Title 18, § 925 (c) of the United States Code; and

(3) If the person is less than 30 years of age and who has not been:

(i) Committed to any detention, training, or correctional institution for juveniles for longer than one year after an adjudication of delinquency by a juvenile court; or

(ii) Adjudicated delinquent by a juvenile court for:

1. A crime of violence;

2. Any violation classified as a felony in this State; or

3. Any violation classified as a misdemeanor in this State that carries a statutory penalty of more than 2 years; and

(4) Has not been convicted of any offense involving the possession, use, or distribution of controlled dangerous substances; and is not presently an addict, an habitual user of any controlled dangerous substance not under legitimate medical direction, or an alcoholic; and

(5) Has, based on the results of investigation, not exhibited a propensity for violence or instability which may reasonably render his possession of a handgun a danger to himself or other law-abiding persons; and

(6) Has, based on the results of investigation, good and substantial reason to wear, carry, or transport a handgun, provided however, that the phrase "good and substantial reason" as used herein shall be deemed to include a finding that such permit is necessary as a reasonable precaution against apprehended danger. ...

**(e) Possession of permit; handguns to which applicable.** Any person to whom a permit

shall be issued or renewed shall carry such permit in his possession every time he carries, wears, or transports a handgun. A permit issued pursuant to this section shall be valid for any handgun legally in the possession of the person to whom the permit was issued. ...

**(i) Persons authorized to wear or carry handgun without permit.** Notwithstanding any other provision of this subheading, the following persons may, to the extent authorized prior to March 27, 1972, and subject to the conditions specified in this subsection and subsection (j) hereof, continue to wear, carry, or transport a handgun without a permit:

**(1)** Holders of special police commissions issued under Title 4, Subtitle 9 of Article 41 of the Annotated Code of Maryland, while actually on duty on the property for which the commission was issued or while traveling to or from such duty;

**(2)** Uniformed security guards, special railway police, and watchmen who have been cleared for such employment by the Department of State Police, while in the course of their employment or while traveling to or from the place of employment;

**(3)** Guards in the employ of a bank, savings and loan association, building and loan association, or express or armored car agency, while in the course of their employment or while traveling to or from the place of employment; and

**(4)** Private detectives and employees of private detectives previously licensed under former Article 56, § 90A of the Code, while in the course of their employment or while traveling to or from the place of employment.

**(j) Same - Application for permit.** Each person referred to in subsection (i) hereof shall, within one year after March 27, 1972, make application for a permit as provided in this section. Such application shall include evidence satisfactory to the Secretary of the State Police that the applicant is trained and qualified in the use of handguns. The right to wear, carry, or transport a handgun provided for in subsection (i) hereof shall terminate at the expiration of one year after March 27, 1972, if no such application is made, or immediately upon notice to the applicant that his application for a permit has not been approved.

**(k) Meaning of "Secretary".** As used in this section, Secretary means the Secretary of the State Police, acting directly or through duly authorized officers and agents of the Secretary.

**(l) Permit holder under influence of alcohol or drugs.** It is unlawful for a person to whom a permit has been issued or renewed to carry, wear, or transport a handgun while he is under the influence of alcohol or drugs. A person violating this subsection is guilty of a misdemeanor, and upon conviction he shall be fined \$1,000 or be imprisoned for not more than one year or both.

#### **36F. Definitions.**

**(a)** As used in this subheading, the following words have the meanings indicated.

**(b) "Handgun"** means any pistol, revolver, or other firearm capable of being concealed on the person, including a short-barreled shotgun and a short-barreled rifle as these terms are defined below, except it does not include a shotgun, rifle or antique firearm as those terms are defined below.

**(c) "Antique firearm"** means:

**(1)** Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

**(2)** Any replica of any firearm described in paragraph (1) of this subsection if such replica:

**(i)** Is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

**(ii)** Uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

**(d) "Rifle"** means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

**(e) "Short-barreled shotgun"** means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.

**(f) "Short-barreled rifle"** means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.

**(g) "Shotgun"** means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

**(h) "Handgun roster"** means the roster of permitted handguns compiled by the Board under section 36J of this article.

**(i) "Law enforcement personnel"** means:

**(1)** Any full-time member of a police force or other agency of the United States, a state, a county, a municipality or other political subdivision who is responsible for the prevention and detection of crime and the enforcement of the laws of the United States, a state, or of a county or municipality or other political sub-division of a state;

**(2)** Any part-time member of a police force of a county or municipality who is certified by the county or municipality as being trained and qualified in the use of handguns; and

**(3)** Any fire investigator of the Prince George's County Fire Department who:

**(i)** Is certified by Prince George's County as being trained and qualified in the use of handguns; and

**(ii)** Has met the minimum qualifications and has satisfactorily completed the training required by the Maryland Police Training Commission.

**(j) "Secretary"** means the Secretary of the State Police, or the Secretary's designee.

**(k) "Vehicle"** means any motor vehicle, as defined in Title 11 of the Transportation Article, trains, aircraft, and vessels.

**(l) "Board"** means the Handgun Roster Board.

#### **36H. State preemption of weapons and ammunition regulations.**

**(a) Handguns, rifles, shotguns, and ammunition.** Except as provided in sub-sections (b), (c), and (d) of this section, the State of Maryland hereby preempts the rights of any county, municipal corporation, or special taxing district whether by law, ordinance, or regulation to regulate the purchase, sale, taxation, transfer, manufac-

ture, repair, ownership, possession, and transportation of the following:

**(1)** Handgun, as defined in § 36(b) of this article;

**(2)** Rifle, as defined in § 36F(d) of this article;

**(3)** Shotgun, as defined in § 36F(g) of this article; and

**(4)** Ammunition and components for the above enumerated items.

**(b) Exceptions.-** Any county, municipal corporation, or special taxing district may regulate the purchase, sale, transfer, ownership, possession, and transportation of the weapons and ammunition listed in subsection (a) of this section:

**(1)** With respect to minors;

**(2)** With respect to these activities on or within 100 yards of parks, churches, schools, public buildings, and other places of public assembly; however, the teaching of firearms safety training or other educational or sporting use may not be prohibited; and

**(3)** With respect to law enforcement personnel of the subdivision.

**(c) Authority to amend local laws or regulations.** To the extent that local laws or regulations do not create an inconsistency with the provisions of this section or expand existing regulatory control, any county, municipal corporation, or special taxing district may exercise its existing authority to amend any local laws or regulations that exist before January 1, 1985.

**(d) Discharge of handguns, rifles, and shotguns.** In accordance with law, any county, municipal corporation, or special taxing district may continue to regulate the discharge of handguns, rifles, and shotguns, but may not prohibit the discharge of firearms at established ranges.

#### **Assault Pistols**

**36H-1. Assault pistols defined.** In this sub-heading, "assault pistol" means any of the following specified firearms or their copies regardless of which company produced and manufactured the firearm:

**(1)** AA Arms AP-9 semiautomatics;

**(2)** Bushmaster semiautomatic pistol;

**(3)** Claridge HI-TEC, semiautomatic pistol;

**(4)** D Max Industries semiautomatic pistol;

**(5)** Encom MK-IV, MP-9, MP-45 semiautomatic pistols;

**(6)** Heckler and Koch semiautomatic SP-89;

**(7)** Holmes MP-83 semiautomatic pistol;

**(8)** Ingram MAC 10/11 semiautomatics and any variation including the Partisan Avenger and the SWD Cobray;

**(9)** Intratec TEC-9/DC-9 in any centerfire variation;

**(10)** P.A.W.S. type semiautomatic pistol;

**(11)** Skorpion semiautomatic pistol;

**(12)** Spectre double action semiautomatic pistol (Sile, F.I.E., Mitchell);

**(13)** UZI semiautomatic pistol;

**(14)** Weaver Arms semiautomatic Nighthawk pistol; and

**(15)** Wilkinson semiautomatic "Linda" pistol.

**36H-2. Exemptions from subheading.** The prohibitions under section 36H-3 of this sub-heading do not apply to:

**(1)** Personnel of the United States government or any agency or department of the United States, members of the armed forces of the United States or of the national guard, or law enforcement personnel of this State or any local agency in this State while such persons are acting within the scope of their official business;

**(2)** Any firearm modified to render it permanently inoperative;

(3) Purchases, sales, and transport to or by a licensed gun dealer or manufacturer who is:

(i) Providing or servicing an assault pistol for law enforcement agencies or for any entity exempted under paragraph (1) of this section; or

(ii) Acting to sell or transfer an assault pistol to a licensed gun dealer in another state.

(4) Organizations that are required or authorized by federal law or regulations governing their specific business or activity to maintain assault pistols and applicable ammunition;

(5) The receipt of an assault pistol by inheritance if the decedent lawfully possessed the assault pistol; or

(6) The receipt of an assault pistol by a personal representative of an estate for purposes of exercising the powers and duties of a personal representative of an estate.

**36H-3. Transportation; possession, sale, transfer or purchase as of June 1, 1994.**

(a) **Transportation; possession, transfer or purchase.** Subject to the provisions of this subheading and except as provided in subsection (b) of this section, on or after June 1, 1994, a person may not:

(1) Transport an assault pistol into the State; or

(2) Possess, sell, offer to sell, transfer, purchase, or receive an assault pistol in the State.

(b) **Lawful possession.** A person who lawfully possesses an assault pistol before June 1, 1994 may continue to possess the assault pistol if the person registers the assault pistol with the Secretary of the State Police before August 1, 1994.

**36H-4. Seizure and disposition.** Any assault pistol in violation may be seized. Any assault pistol transported, sold, transferred, purchased, received, or possessed in violation of this subheading may be seized by a law enforcement agency as contraband and disposed of according to regulation.

**36H-5. Detachable magazines.**

(a) **Applicability.** This section does not apply to:

(1) The personnel or to the agencies specified under § 36H-2(1) through (4) of this subheading; or

(2) A transfer described under § 36H-2(5) or (6) of this subheading.

(b) **Detachable magazines.** A person may not manufacture, sell, offer for sale, purchase, receive, or transfer a detachable magazine for any type of firearm, except a .22 caliber rifle with a tubular magazine, if the magazine has a capacity of more than 20 rounds of ammunition.

**36H-6. Penalty.**

(a) **Violation of any provision.** Any person who violates any provision of this subheading is upon conviction guilty of a misdemeanor and subject to imprisonment for not more than 3 years or a fine of not more than \$5,000 or both.

(b) **Use in felony or crime of violence.** Any person who uses an assault pistol, or a magazine that has a capacity of more than 20 rounds of ammunition, in the commission of any felony or any crime of violence as defined in § 441 of this article shall be guilty of a separate misdemeanor and on conviction thereof shall, in addition to any other sentence imposed by virtue of commission of the felony or misdemeanor:

(1) For a first offense, be sentenced to the Maryland Division of Correction for a term of not less than 5 nor more than 20 years, and:

(i) It is mandatory upon the court to impose no less than the minimum sentence of 5 years no part of which shall be suspended; and

(ii) Except as otherwise provided in Article 31B, § 11 of the Code, the person is not eligible for parole in less than 5 years; and

(2) For a second or subsequent offense, be sentenced to the Maryland Division of Correction for a term of not less than 10 nor more than 20 years, and it is mandatory upon the court to impose no less than a minimum sentence of 10 years which shall be served consecutively and not concurrently to any other sentence imposed by virtue of the commission of the felony or misdemeanor.

**36I. Manufacture, sale or offer for sale of handguns not included on handgun roster; obliteration, removal, etc., of manufacturer's identification mark.**

(a) **Manufacture for distribution or sale generally.** Except as provided in subsection (f) of this section, a person may not manufacture for distribution or sale any handgun that is not included on the handgun roster in the State.

(b) **Sale or offer for sale generally.** A person may not sell or offer for sale in the State a handgun manufactured after January 1, 1985 that is not on the handgun roster.

(c) **Obliteration, removal, etc., of manufacturer's identification mark.** A person may not manufacture, sell, or offer for sale any handgun on which the manufacturer's identification mark or number is obliterated, removed, changed, or otherwise altered.

(d) **Injunctions.** The Secretary may seek a permanent or temporary injunction from a circuit court to enjoin the willful and continuous manufacture, sale, or offer for sale, in violation of this section, of a handgun not included on the handgun roster.

(e) **Rules and regulations.** Subject to the provisions of the Administrative Procedure Act, the Secretary of the State Police shall adopt rules and regulations necessary to carry out the provisions of this section and § 36J of this subheading.

(f) **Manufacture for distribution or sale of other weapons.** Nothing in this section shall be construed to interfere with:

(1) A person's ability to:

(i) Manufacture, sell, or offer to sell rifles or other weapons not defined as handguns in § 36F (b) of this article; or

(ii) Manufacture prototype handgun models required for design, development, testing, and approval by the Board; and

(2) The manufacturing in the State of a handgun not on the handgun roster by a federally licensed gun manufacturer that was also licensed as a regulated firearms dealer in the State as of January 1, 1998, for direct sale to a unit of:

(i) The federal government;

(ii) A state other than the State of Maryland;

(iii) An out-of-state local government; or

(iv) An out-of-state law enforcement agency.

**(g) Violation of section.**

(1) Any person who manufactures a handgun for distribution or sale in violation of this section shall be guilty of a misdemeanor and shall be fined not more than \$10,000 for each violation.

(2) Any person or entity who sells or offers to sell a handgun in violation of this section shall be guilty of a misdemeanor and shall be fined not more than \$2,500 for each violation.

(3) For purposes of this subsection, each handgun manufactured, sold, or offered for sale in violation of this subsection shall be a separate violation.

**(h) Liability for damages.**

(1) A person or entity may not be held strictly liable for damages of any kind resulting from injuries to another person sustained as a result of

the criminal use of any firearm by a third person, unless the person or entity conspired with the third person to commit, or willfully aided, abetted, or caused the commission of the criminal act in which the firearm was used.

(2) This section may not be construed to otherwise negate, limit, or modify the doctrine of negligence or strict liability relating to abnormally dangerous products or activities and defective products.

**36J. Handgun roster; Handgun Roster Board.**

**(a) Handgun Roster Board.**

(1) There is a Handgun Roster Board in the Department of State Police.

(2) The Board shall consist of 11 members, appointed by the Governor with the advice and consent of the Senate, each of whom shall serve for a term of 4 years.

(3) The members of the Board shall be:

(i) The Secretary;

(ii) A representative of the Association of Chiefs of Police;

(iii) A representative of the Maryland State's Attorneys' Association;

(iv) A handgun dealer, a gunsmith, or a representative of a handgun manufacturer;

(v) A representative of the National Rifle Association or its affiliated State association, who is a resident of the State;

(vi) A representative of the Marylanders Against Handgun Abuse; and

(vii) 5 citizen members, 2 of whom shall be mechanical or electrical engineers.

(4) The Secretary shall serve as Chairman of the Board.

(5) The Board shall meet at the request of the Chairman of the Board or by request of a majority of the members.

**(b) Establishment of roster; factors to consider in placing handgun on roster; publication.**

(1) There is a handgun roster that the Board shall compile and publish in the Maryland Register by July 1, 1989, and thereafter maintain, of permitted handguns that are useful for legitimate sporting, self-protection, or law enforcement purposes.

(2) The Board shall consider the following characteristics of a handgun in determining whether any handgun should be placed on the handgun roster:

(i) Concealability;

(ii) Ballistic accuracy;

(iii) Weight;

(iv) Quality of materials;

(v) Quality of manufacture;

(vi) Reliability as to safety;

(vii) Caliber;

(viii) Detectability by the standard security equipment commonly used at airports or courthouses and approved by the Federal Aviation Administration for use at airports in the United States; and

(ix) Utility for legitimate sporting activities, self-protection, or law enforcement.

(3) In determining whether any handgun should be placed on the handgun roster, the Board shall carefully consider each of the characteristics listed under paragraph (2) of this subsection and may not place undue weight on any one characteristic.

(4) The Board shall semiannually:

(i) Publish the handgun roster in the Maryland Register; and

(ii) Send a copy of the handgun roster to all regulated firearm dealers that are licensed under § 443 of this article.

**(c) Placement of handgun on roster.**

(1) The Board may place a handgun on the handgun roster upon the Board's own initiative.

(2) On the successful petition of any person, subject to the provisions of subsections (e) and (f) of this section, the Board shall place a handgun on the handgun roster unless a court, after all appeals are exhausted, has made a finding that the decision of the Board shall be affirmed.

**(d) Burden of proof and form of petition to place handgun on roster.**

(1) A person who petitions for placement of a handgun on the handgun roster shall bear the burden of proof that the handgun should be placed on the roster.

(2) A petition to place a handgun on the handgun roster shall be submitted in writing and shall be in the form and manner prescribed by the Board.

**(e) Action by Board upon petition.**

(1) Upon receipt of a petition to place a handgun on the handgun roster, the Board shall, within 45 days of receipt of the petition:

(i) Deny the petition in writing, stating the reasons for denial; or

(ii) Approve the petition and publish a description of the handgun in the Maryland Register, including notice that any objection to its inclusion in the handgun roster must be filed with the Board within 30 days.

(2) If the Board fails to deny or approve a petition within the time required under paragraph (1) of this subsection, the petition shall be considered denied.

**(f) Notice and hearing upon denial of petition; appeal; construction of section.**

(1) (i) If the Board denies a petition to place a handgun on the handgun roster, the Board shall notify the petitioner by certified mail, return receipt requested.

(ii) The petitioner may request a hearing within 15 days from the date that the Board's denial letter is received.

(2) The Board shall, within a reasonable time not to exceed 90 days after receiving a request for a hearing, both hold a hearing on the petition and issue a written final decision on the petition.

(3) The Board shall provide notice of the hearing in accordance with the Administrative Procedure Act.

(4) At a hearing held under this subsection, the petitioner shall have the burden of proving to the Board that the handgun at issue is useful for legitimate sporting, law enforcement, or self-protection purposes, and therefore should be placed on the roster.

(5) Any aggrieved party of record may appeal within 30 days a final decision of the Board in accordance with the Administrative Procedure Act.

(6) Nothing in this section shall be construed as requiring the Board to test any handgun or have any handgun tested at the Board's expense.

**36K. Access to firearms by minors.**

**(a) Definitions.**

(1) In this section the following words have the meanings indicated.

(2) (i) **"Firearm"** means a pistol, revolver, rifle, shotgun, short-barreled rifle, short-barreled shotgun, or any other firearm.

(ii) **"Firearm"** does not include antique firearms as defined in § 36F of this article.

(3) **"Minor"** means an individual under the age of 16.

(4) **"Ammunition"** means any ammunition cartridge, shell or other device containing explosive or incendiary material designed and intended for use in a firearm.

**(b) Prohibited acts.** Except as provided in this section, an individual may not store or leave a loaded firearm in any location where the individual knew or should have known that an unsupervised minor would gain access to the firearm.

**(c) Applicability.** This section does not apply if:

(1) A minor's access to a firearm is supervised by a person 18 years old or older;

(2) A minor's access to a firearm was obtained as a result of an unlawful entry;

(3) A firearm is in the possession or control of a law enforcement officer while the officer is engaged in official duties; or

(4) A minor has a certificate of firearm and hunter safety as set forth in § 10-301.1 of the Natural Resources Article.

**(d) Effect of violation.**

(1) A violation of this section may not:

(i) Be considered evidence of negligence;

(ii) Be considered evidence of contributory negligence;

(iii) Limit liability of a party or an insurer; or

(iv) Diminish recovery for damages arising out of the ownership, maintenance, or operation of a firearm or ammunition.

(2) A party, witness, or counsel may not make reference to a violation of this section during a trial of a civil action that involves property damage, personal injury, or death.

**(e) Penalty.** Any person who violates this section is guilty of a misdemeanor and upon conviction shall be fined not more than \$1,000.

**Destructive Devices**

**139A. Definitions.**

**(a) Definitions.** In this subheading the following words have the meanings indicated.

**(b) "Child"** means a person under the age of 18 years.

**(c) Destructive device.**

(1) **"Destructive device"** means explosive, incendiary, or toxic material that has been combined with a delivery or detonating apparatus so as to be capable of inflicting injury to persons or damage to property.

(2) **"Destructive device"** includes:

(i) Devices which are primarily designed and manufactured for military purposes as instrumentalities of destruction, including any bomb, grenade, mine, shell, missile, flamethrower, or poison gas; and

(ii) Any explosive, incendiary, or toxic material which has been deliberately modified, containerized or otherwise equipped with any sort of special delivery, activation or detonation component so as to give it the destructive characteristics of a military ordnance, including a Molotov cocktail, pipe bomb, or petroleum soaked ammonium nitrate.

**(d) Explosive material.**

(1) **"Explosive material"** means material which explodes when detonated and has a destructive capability.

(2) **"Explosive material"** includes:

(i) Explosives as defined in Article 38A, § 26 of the Code; and

(ii) Dynamite for construction work, ammonium nitrate, natural gas in pipelines and storage tanks, ether, and cannisterized oxygen for health care facilities.

(3) **"Explosive material"** does not include those items excluded as explosives in Article 38A, § 26 of the Code when those items are used in their original configuration.

**(e) Incendiary material.**

(1) **"Incendiary material"** means a flammable or combustible liquid.

(2) **"Incendiary material"** includes gasoline, acetone, benzene, butane, jet fuel, fuel oil, kerosene, and diesel fuel.

**(f) Toxic material.**

(1) **"Toxic material"** means material which is capable of causing death or serious bodily injury almost immediately on being absorbed through the skin, inhaled, or ingested.

(2) **"Toxic material"** includes but is not limited to:

(i) Nerve gas, mustard gas, cyanide gas, chlorine gas, or sulphuric acid, or their precursors; and

(ii) A biological substance containing a disease organism or microorganism.

**139B. Exemptions from application of subheading.** The prohibitions of this subheading do not apply to:

(1) Law enforcement personnel of the United States government or any agency or department of the United States, members of the armed forces of the United States or of the National Guard, or law enforcement personnel of the State or a political subdivision of the State while acting within the scope of their official duties;

(2) Officers or employees of the United States, the State, or a political subdivision of the State who are authorized to handle a destructive device within the scope of their official duties and who are acting within the scope of their official duties;

(3) A person authorized or licensed under law to possess the explosive, incendiary, or toxic material while the person is acting within the scope of the authorization or license if possession of a particular explosive, incendiary, or toxic material is specifically regulated or licensed under law; or

(4) A person who:

(i) Possesses smokeless or black gunpowder under the provisions of Article 38A of the Code; and

(ii) Uses smokeless or black gunpowder for loading or reloading small arms ammunition, antique firearms, or replicas of antique firearms.

**139C. Prohibitions.** A person may not knowingly:

(1) Manufacture, transport, possess, control, store, sell, distribute, or use a destructive device; or

(2) Possess any explosive, incendiary, or toxic material with intent to create a destructive device.

**139D. Penalties.**

**(a) In general.** A person who violates the provisions of this subheading is guilty of a felony and on conviction is subject to a fine of not more than \$250,000 or by imprisonment for not more than 25 years or both.

**(b) Sentencing.** The sentence imposed under this section may be imposed separate from and consecutive to or concurrent with a sentence for an offense based on the act or acts establishing the violation of this subheading.

**(c) Restitution.**

(1) In addition to the penalty provided in this section, a person convicted under this subheading may be ordered by the court to pay restitution to:

(i) The State, county, municipal corporation, bicounty agency, or special taxing district for actual costs reasonably incurred due to the placement, delivery, or detonation of a destructive device, including the search for, removal of, and damages caused by a destructive device; and

(ii) The owner or tenant of a property for the actual value of any goods, services, or income lost as a result of the evacuation of the property

or damage sustained due to the placement, delivery, or detonation of a destructive device.

(2) This subsection may not be construed to limit the right of a person to restitution under Title 11, Subtitle 6 of the Criminal Procedure Article.

(3)(i) If the person convicted or found to have committed a delinquent act under this subheading is a child, the court may order the child, the child's parent, or both to pay the restitution described in paragraph (1) of this subsection.

(ii) Except as otherwise provided in this section, the provisions of Title 11, Subtitle 6 of the Criminal Procedure Article apply to an order of restitution under this paragraph.

(d) In addition to any other penalty authorized by law, if the person convicted or found to have committed a delinquent act under this subheading is a child, the court may order the Motor Vehicle Administration to initiate an action, under the motor vehicle laws, to suspend the driving privilege of the child for a specified period not to exceed:

(1) For a first offense, 6 months; and

(2) For a second or subsequent offense, 1 year or until the person is 21 years old, whichever is longer.

## Health - Controlled Dangerous Substances

### 291A. Possession, ownership, transportation, etc., of a firearm.

(a) **Definition.** In this section "firearm" includes:

(1) Handgun, antique firearm, rifle, shotgun, short-barreled shotgun, and short-barreled rifle, as those terms are defined in § 36F of this article;

(2) Machine gun, as defined in § 372 of this article; and

(3) Regulated firearm, as defined in § 441 of this article.

(b) **Prohibited acts.** A person may not possess, own, carry, or transport a firearm if the person has been convicted of:

(1) A felony under this subheading;

(2) An offense under the laws of the United States, another state, or the District of Columbia that would be a felony under this subheading if committed in this State; or

(3) Conspiracy or attempt to commit any of the offenses listed in paragraphs (1) and (2) of this subsection.

(c) **Penalty.** A person who violates this section is guilty of a felony and shall, on conviction, be fined not more than \$10,000 or imprisoned for not more than 5 years or both.

## Machine Guns

### 372. Definitions.

"**Machine gun**" as used in this subtitle, means a weapon, of any description, by whatever name known, loaded or unloaded, from which more than one shot or bullet may be automatically discharged from a magazine, by a single function of the firing device.

"**Crime of violence**" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder of any degree, manslaughter, kidnapping, rape in any degree, assault in the first degree, robbery under § 486 or § 487 of this article, burglary in any degree, and theft.

"**Person**" applies to and includes firm, partnership, association, or corporation.

**373. Use of machine gun for crime.** Possession or use of a machine gun in the perpetration or attempted perpetration of a crime of violence

is hereby declared to be a felony punishable by imprisonment in the State penitentiary for a term of not more than twenty years.

**374. Use of machine gun for aggressive purpose.** Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the State penitentiary for a term of not more than ten years.

**375. What constitutes aggressive purpose.** Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(a) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) When in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) When the machine gun is of the kind described in section 379 and has not been registered as in said section required; or

(d) When empty or loaded shells which have been used or are susceptible of being used in the machine gun are found in the immediate vicinity thereof.

**376. Presence prima facie evidence of use.** The presence of a machine gun in any room, boat, or vehicle shall be evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

**377. Exceptions.** Nothing contained in this subtitle shall prohibit or interfere with:

(1) The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States, the several states or of any political subdivision thereof, or the transportation required for that purpose;

(2) The possession of a machine gun for scientific purpose; or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

(3) The possession of a machine gun for a purpose manifestly not aggressive or offensive.

**378. Manufacturer's register; inspection of stock.** Every manufacturer shall keep a register of all machine guns manufactured or handled by him. This register shall show the method and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered, or from whom received. Upon demand every manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provision of this section shall be punishable by a fine of not more than one hundred dollars.

### 379. Registration of machine guns.

(a) **In general.** Except in the calendar year it was purchased, every machine gun in this State shall be registered with the Secretary of the State Police annually during the month of May. Also, every machine gun shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the Secretary of the State Police and furnished upon application. To comply with this section the application

as filed must show the make, model, serial number, caliber, type, barrel length, finish, country of origin of the gun, and the name, address, race, sex, date of birth, Maryland driver's license number, and occupation of the person in possession of the gun, from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section shall be presumed to possess the same for offensive or aggressive purpose.

(b) **Fee.** Each registration application filed with the Secretary shall be accompanied by a nonrefundable registration fee of \$10.

**380. Search warrants for machine guns; confiscation.** Warrant to search any house or place and seize any machine gun possessed in violation of this subtitle, may issue in the same manner and under the same restrictions as provided by law for stolen property, and any court of record, upon application of the State's Attorney, shall have jurisdiction and power to order any machine gun, thus or otherwise legally seized, to be confiscated and either destroyed or delivered to a peace officer of the State or a political subdivision thereof.

**381. Severability.** If any provision of this subtitle or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the subtitle which can be given effect without the invalid provision or application, and to this end the provisions of this subtitle are declared to be severable.

**382. Uniformity of interpretation.** This subtitle shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

**383. Short title.** This subtitle may be cited as the Uniform Machine Gun Act.

## Regulated Firearms

### 441. Definitions.

(a) In this subheading the following words have the meanings indicated.

(b) "**Alcohol offense**" means an offense under section 21-902(a), (b), or (c) of the Transportation Article.

(c) "**Antique firearm**" means:

(1) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured prior to 1899; or

(2) Any replica of any firearm described in paragraph (1) of this subsection if the replica:

(i) Is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

(ii) Uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(d) "**Assault weapon**" means any of the following specific firearms or their copies regardless of which company produced and manufactured that firearm:

(1) American Arms Spectre DA semiautomatic carbine;

(2) AK-47 in all forms;

(3) Algimec AGM-1 type semi-auto;

(4) AR 100 type semi-auto;

(5) AR 180 type semi-auto;

(6) Argentine L.S.R. semi-auto;

(7) Australian Automatic Arms SAR type semi-auto;

(8) Auto-Ordnance Thompson M1 and 1927 semi-automatics;

(9) Barrett light .50 cal. semi-auto;

(10) Beretta AR70 type semi-auto;

(11) Bushmaster semi-auto rifle;

(12) Calico models M-100 and M-900;

(13) CIS SR 88 type semi-auto;

(14) Claridge HI TEC C-9 carbines;

(15) Colt AR-15, CAR-15, and all imitations except Colt AR-15 Sporter H-BAR rifle; (16) Daewoo MAX 1 and MAX 2, aka AR 100, 110C, K-1, and K-2;

(17) Dragunov Chinese made semi-auto;

(18) Famas semi-auto (.223 caliber);

(19) Feather AT-9 semi-auto;

(20) FN LAR and FN FAL assault rifle;

(21) FNC semi-auto type carbine;

(22) F.I.E./Franchi LAW 12 and SPAS 12 assault shotgun;

(23) Steyr-AUG-SA semi-auto;

(24) Galil models AR and ARM semi-auto;

(25) Heckler and Koch HK-91 A3, HK-93 A2, HK-94 A2 and A3;

(26) Holmes model 88 shotgun;

(27) Avtomat Kalashnikov semiautomatic rifle in any format;

(28) Manchester Arms "Commando" MK-45, MK-9;

(29) Mandell TAC-1 semi-auto carbine;

(30) Mossberg model 500 Bullpup assault shotgun;

(31) Sterling Mark 6;

(32) P.A.W.S. carbine;

(33) Ruger mini-14 folding stock model (.223 caliber);

(34) SIG 550/551 assault rifle (.223 caliber);

(35) SKS with detachable magazine;

(36) AP-74 commando type semi-auto;

(37) Springfield Armory BM-59, SAR-48, G3, SAR-3, M-21 sniper rifle, M1A, excluding the M1 Garand;

(38) Street sweeper assault type shotgun;

(39) Striker 12 assault shotgun in all formats;

(40) Unique F11 semi-auto type;

(41) Daewoo USAS 12 semi-auto shotgun;

(42) UZI 9mm carbine or rifle;

(43) Valmet M-76 and M-78 semi-auto;

(44) Weaver Arms "Nighthawk" semi-auto carbine; or

(45) Wilkinson Arms 9mm semi-auto "Terry".

(e) **"Crime of violence"** means:

(1) Abduction;

(2) Arson in the first degree;

(3) Assault in the first or second degree;

(4) Burglary in the first, second, or third degree;

(5) Carjacking and armed carjacking;

(6) Escape in the first degree;

(7) Kidnapping;

(8) Voluntary manslaughter;

(9) Maiming;

(10) Mayhem as previously proscribed under former § 384 of this article;

(11) Murder in the first or second degree;

(12) Rape in the first or second degree;

(13) Robbery under § 486 or § 487 of this article;

(14) Sexual offense in the first, second, or third degree;

(15) An attempt to commit any of the aforesaid offenses; or

(16) Assault with intent to commit any of the aforesaid offenses or any offense punishable by imprisonment for more than 1 year.

(f) **"Dealer"** means any person who is engaged in the business of:

(1) Selling, renting, or transferring firearms at wholesale or retail; or

(2) Repairing firearms.

(g) **"Designated law enforcement agency"** means any law enforcement agency approved and designated by the Secretary to process applications to purchase regulated firearms for secondary sales.

(h) **"Engaged in the business"** means any person who:

(1) Is licensed as a Maryland regulated firearms dealer;

(2) Is licensed as a federal firearms dealer;

(3) Devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of earning a profit through the repeated purchase and resale of firearms; or

(4) Repairs firearms as a regular course of trade or business.

(i) **"Firearms"** means:

(1) Any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; or

(2) The frame or receiver of any such weapon.

(j) **"Fugitive from justice"** means any person who has fled from a sheriff or other peace officer within this State, or who has fled from any state, the District of Columbia, or territory or possession of the United States, to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

(k) **"Gun show"** means any organized gathering open to the public at which any firearm is displayed.

(l) **"Habitual drunkard"** means any person who has been found guilty of any three alcohol offenses, one of which occurred within the past year.

(m) **"Habitual user of controlled dangerous substances"** means any person who has been found guilty of two controlled dangerous substance offenses, one of which occurred within the past 5 years.

(n) **"Handgun"** means any firearm with a barrel less than 16 inches in length including signal, starter, and blank pistols.

(o) **"Minor"** means any person under the age of 18 years.

(p) **"Pepper mace"** means any aerosol propelled combination of highly disabling irritant pepper based products and is also known as Oleo-Resin Capsicum (O.C.) spray.

(q) **"Person"** means an individual, partnership, association, or corporation.

(r) **"Regulated firearm"** means:

(1) Any handgun as defined in this section; or

(2) Any assault weapon as defined in this section.

(s) **"Regulated firearms dealer"** means any person who possesses a valid Maryland regulated firearms dealers license issued by the Secretary.

(t) **"Rent"** means the temporary transfer of a regulated firearm for consideration where the firearm is taken from the firearm owner's property.

(u) **"Secondary sale"** means any sale of a regulated firearm where neither party to the transaction is engaged in the business as defined in this section.

(v) **"Secretary"** means the Secretary of the State Police or the Secretary's designee.

(w) **"Straw purchase"** means any sale of a regulated firearm where an individual uses another person (the straw purchaser) to complete the application to purchase a regulated firearm, take initial possession of that firearm, and subsequently transfer that firearm to the individual.

**441A. Exemptions from application of sub-heading.** The prohibitions of this subheading do not apply to:

(1) The transfer or possession of a regulated firearm or detachable magazine by a licensed manufacturer, dealer, or importer for the purposes of testing or experimentation authorized by the Secretary;

(2) The transfer or possession of an antique firearm;

(3) Law enforcement personnel of the United States government or any agency or department of the United States, members of the armed forces of the United States or of the national guard, or law enforcement personnel of this State or any local agency in this State while such persons are acting within the scope of their official duties;

(4) Any regulated firearm modified to render it permanently inoperative;

(5) Purchases, sales, and transport to or by a licensed gun dealer, manufacturer, or importer;

(6) Organizations that are required or authorized by federal law or regulations governing their specific business or activity to maintain firearms; or

(7) The receipt of a regulated firearm by inheritance, provided the heir completes an application for the purchase or transfer of a regulated firearm and forwards it to the Secretary.

**442. Sale or transfer of regulated firearms.**

(a) **Right to regulate sales preempted by State.** All restrictions imposed by the laws, ordinances or regulations of all subordinated jurisdictions within the State of Maryland on sales of regulated firearms are superseded by this section, and the State of Maryland hereby preempts the rights of such jurisdictions to regulate the sale of regulated firearms.

(b) **Straw purchase.**

(1) Except as otherwise provided in this subsection, a person may not knowingly or willfully participate in a straw purchase of a regulated firearm.

(2) The prohibitions of this subsection do not apply to a person purchasing a regulated firearm as a gift provided:

(i) The recipient of the gift is a resident of this State; and

(ii) Both the purchaser and recipient of the gift comply with the requirements under this subheading pertaining to the possession, sale, rental, receipt, transfer, or purchase of a regulated firearm, unless the gift is in the form of a gift certificate, in which case only the recipient shall comply with the requirements.

(3) If the regulated firearm is a gift to a spouse, parent, grandparent, grandchild, brother, sister, son, or daughter:

(i) An application to purchase or transfer a regulated firearm shall be completed by the recipient and forwarded to the Secretary within 5 days of receipt of the regulated firearm; and

(ii) The \$10 application fee, as provided by subsection (g) of this section, shall be waived by the Secretary.

(c) **Sale by regulated firearms dealer.** No regulated firearms dealer shall sell, rent, or transfer any regulated firearm until after seven days shall have elapsed from the time an application to purchase or transfer shall have been executed by the prospective purchaser or transferee, in triplicate, and the original copy is forwarded by the prospective seller or transferor to the Secretary.

(d) **Sale by other than regulated firearms dealer.**

(1) A person who is not a regulated firearms dealer may not sell, rent, transfer, or purchase



any regulated firearm until after 7 days shall have elapsed from the time an application to purchase or transfer shall have been executed by the prospective purchaser or transferee, in triplicate, and the original copy is forwarded by a regulated firearms dealer to the Secretary.

(2) As an alternative to completing a secondary sale of a regulated firearm through a regulated firearms dealer, the prospective seller or transferor and the prospective purchaser or transferee may complete the transaction through a designated law enforcement agency.

(3) A person who makes an application to purchase, rent, or transfer a regulated firearm by secondary sale shall pay a processing fee not to exceed \$20 to the regulated firearms dealer.

**(e) Disposition of copies of application.** The regulated firearms dealer or designated law enforcement agency shall promptly after receiving an application to purchase, rent, or transfer, completed in accordance with subsection (h) below, forward one copy of the same, by certified mail or by facsimile machine, to the Secretary. The copy forwarded to the Secretary shall contain the name, address, and signature of the prospective seller, lessor, or transferor. The prospective seller, lessor, or transferor shall retain one copy of the application for a period of not less than three years. The prospective purchaser, lessee, or transferee shall be entitled to the remaining copy of the application.

**(f) Application fee.**

(1) A person who makes an application to purchase, rent, or transfer a regulated firearm shall pay to the regulated firearms dealer or designated law enforcement agency a \$10 application fee with the application to purchase, rent, or transfer.

(2) The regulated firearms dealer or designated law enforcement agency shall forward the \$10 application fee along with the application to the Secretary.

(3) If the regulated firearms dealer or designated law enforcement agency utilizes a facsimile machine to forward the application to the Secretary, the dealer or designated law enforcement agency shall:

- (i) Be billed \$10 for each application forwarded to the Secretary during the month; and
- (ii) Pay the total application fee by the 15th day of the next month.

**(g) Warning on application.** The application to purchase, rent, or transfer shall bear the following legend: "Any false information supplied or statement made in this application is a crime which may be punished by imprisonment for a period of not more than three years, or a fine of not more than \$5,000, or both."

**(h) Contents of application.** The application to purchase, rent, or transfer shall contain the following information:

(1) Applicant's name, address, driver's or photographic identification soundex number, Social Security number, occupation, place and date of birth, height, weight, race, eye and hair color and signature and regulated firearm information for each firearm to be purchased, rented, or transferred. In the event the applicant is a corporation, the application shall be completed and executed by a corporate officer who is a resident of this State.

(2) A statement by the applicant under the penalty of perjury that he or she:

- (i) Has never been convicted of:
  - 1. A crime of violence;
  - 2. Any violation classified as a felony in this State;

3. Any violation classified as a misdemeanor in this State that carries a statutory penalty of more than 2 years; or

4. Any violation classified as a common law offense where the person received a term of imprisonment of more than 2 years.

(ii) Is not a fugitive from justice.

(iii) Is not a habitual drunkard.

(iv) Is not an addict or habitual user of any controlled dangerous substances.

(v) Has never spent more than thirty consecutive days in any medical institution for treatment of a mental disorder or disorders, unless there is attached to the application a physician's certificate, issued within thirty days prior to the date of application, certifying that the applicant is capable of possessing a regulated firearm without undue danger to himself or herself, or to others.

(vi) Is at least 21 years of age.

(vii) Is not a respondent against whom a current non ex parte civil protective order has been entered under § 4-506 of the Family Law Article.

(viii) Is less than 30 years of age at the time of application and has not been: adjudicated delinquent by a juvenile court for:

1. A crime of violence;

2. Any violation classified as a felony in this State; or

3. Any violation classified as a misdemeanor in this State that carries a statutory penalty of more than 2 years; and

(ix) Subject to subsection (h-1) of this section, for an application made on or after January 1, 2002 has completed a certified firearms safety training course conducted free of charge by the Maryland Police Training Commission or that meets standards by the Maryland Police Training Commission as provided Article 41, § 4-201(d-l) of the Code.

(3) The date and hour the application was delivered in completed form to the prospective seller or transferor by the prospective purchaser, lessee, or transferee.

**(h-1)** A person is not required to complete a certified firearms training course under subsection (h)(2)(ix) of this section and § 445(b)(4) of this subheading if the person:

(1) Has completed a certified firearms training course required under subsection (h)(2)(ix) of this section and § 445(b)(4) of this subheading;

(2) Is a law enforcement officer of the State or any local law enforcement agency in the State;

(3) Is a member, retired member, or honorably discharged member of the Armed Forces of the United States or the National Guard;

(4) Is a member of an organization that is required by Federal law or regulations governing their specific business or activity to maintain handguns and applicable ammunition; or

(5) Has been issued a permit to carry a handgun under § 36E of this article.

**(i) Investigation of applicant.** The Secretary may request the assistance of the Police Commissioner of Baltimore City, the chief of police in any county maintaining a police force, or the sheriff in a county not maintaining a police force and shall promptly upon receipt of an application to purchase, rent, or transfer conduct an investigation in order to determine the truth or falsity of the information supplied and statements made in the application. If it be thereupon determined that any false information or statement has been supplied or made by the applicant, that the application has not been properly completed, or that written notification from the applicant's licensed attending physician has been received stating that the applicant is suffering from a mental disorder or disorders and is a danger to himself or herself or to others, the Secretary

shall notify the prospective seller, lessor, or transferor, in writing, within seven days from the date the executed application to purchase or transfer was forwarded by certified mail or facsimile machine, of his disapproval of the application. Written notification of such disapproval shall be thereafter forwarded by the Secretary to the prospective purchaser, lessee, or transferee. The date upon which the executed application to purchase, rent, or transfer was forwarded by certified mail or by facsimile machine to the Secretary by the prospective seller, lessor, or transferor shall be considered as the first day of the seven-day period allowed for notice of disapproval to the prospective seller, lessor, or transferor. If the seventh day of the seven-day period allowed for the notice of disapproval shall fall on a Sunday or legal holiday, the computation period shall be extended to the first day next following, which is neither a Sunday nor a legal holiday.

**(j) Limitations on sale.**

(1) No regulated firearms dealer or person shall sell, rent, or transfer a regulated firearm to an applicant whose application has been placed on hold because of an open disposition of criminal proceedings against the applicant or disapproved, unless such disapproval has been subsequently withdrawn by the Secretary or overruled by the action of the courts pursuant to subsection (k) of this section.

(2) An approved application is valid only for the purchase, rental, or transfer of the regulated firearm listed in the application.

**(k) Hearing; judicial review.-**

(1) Any prospective purchaser, lessee, or transferee aggrieved by the action of the State Police may request a hearing within 30 days from the date when written notice was forwarded to the aggrieved person by writing to the Secretary, who shall grant the hearing within fifteen days of the request.

(2) The hearing and subsequent proceedings of judicial review, if any, thereupon following shall be conducted in accordance with the provisions of the Administrative Procedure Act.

(3) The hearing shall be held in the county of the legal residence of the aggrieved person.

**(l) Notice of completed transaction.** Any regulated firearms dealer or person who sells, rents, or transfers a regulated firearm in compliance with this subtitle shall forward a copy of the written notification of such completed transaction, within seven days from the date of delivery of the regulated firearm, to the Secretary, whose duty it shall be to maintain a permanent record of all such completed sales, rentals, and transfers of regulated firearms in the State. The notification shall contain an identifying description of the regulated firearm sold, rented, or transferred including its caliber, make, model, manufacturer's serial number, if any, and any other special or peculiar characteristics or marking by which the regulated firearm may be identified.

**(m) Sale must be completed within 90 days.**

(1) A regulated firearms dealer or person shall complete the sale, rental, or transfer of a regulated firearm within 90 days of the date the application of the prospective purchaser, lessee, or transferee was stamped by the Secretary as not being disapproved.

(2) A regulated firearms dealer or person shall within 7 days, return to the Secretary any application for which the sale, rental, or transfer of a regulated firearm was not completed within 90 days of the date the application was stamped by the Secretary as not being disapproved. All such



applications returned to the Secretary shall be voided as an incomplete sale, rental, or transfer.

**(n) Construction of section.** Nothing in this section shall be construed to affect sales and/or transfers for bona fide resale in the ordinary course of business of a person duly licensed under § 443 of this subtitle, or sales, rentals, transfers, and/or the use of regulated firearms by any person authorized or required to sell, rent, transfer, and/or use regulated firearms as part of his or her duties as a member of any official police force or other law enforcement agency, the armed forces of the United States, including all official reserve organizations, or the Maryland National Guard.

**442A. Purchase of firearms in a 30-day period.**

**(a) Purchase limited to one regulated firearm; exceptions.**

**(1)** Except as provided in this subsection, a person may not purchase more than one regulated firearm in a 30-day period.

**(2)** The provisions of this subsection do not apply to:

- (i)** A law enforcement agency;
- (ii)** An agency duly authorized to perform law enforcement duties;
- (iii)** State or local correctional facilities;
- (iv)** A private security company licensed to do business within the State;
- (v)** The purchase of antique firearms as defined in § 441 of this article;
- (vi)** Purchases by a licensed firearms dealer;
- (vii)** The exchange or replacement of a regulated firearm by a seller for a regulated firearm purchased from the seller by the same person seeking the exchange or replacement within the 30-day period immediately preceding the date of exchange or replacement; or
- (viii)** A person whose regulated firearm is stolen or irretrievably lost and who considers it essential that the regulated firearm be replaced immediately, if:

1. The person provides the licensed regulated firearms dealer with a copy of the official police report or an official summary of the report a copy of which shall be attached to the application to purchase or transfer a regulated firearm;

2. The official police report or official summary of the report contains the name and address of the regulated firearm owner, a description of the regulated firearm, the location of the loss or theft, the date of the loss or theft, and the date which the loss or theft was reported to the law enforcement agency; and

3. The date of the loss or theft as reflected on the official police report or official summary of the report occurred within 30 days of the person's attempt to replace the regulated firearm.

**(b) Purchase of more than one regulated firearm.**

**(1)** Upon application for a multiple purchase to and approval by the Secretary, purchases in excess of one regulated firearm in a 30-day period may be made under the following circumstances:

- (i)** The purchase of the regulated firearms is for a private collection or is a collector series;
- (ii)** The purchase of the regulated firearms is a bulk purchase from an estate sale;
- (iii)** The purchase of not more than two regulated firearms is a multiple purchase for the purpose of taking advantage of a regulated firearms dealer's discounted price available only for a multiple purchase, provided that the purchaser is prohibited from purchasing a regulated firearm the following 30-day period unless approved for a multiple purchase under item (i) or (ii) of this paragraph; or

**(iv)** Other similar purposes.

**(2)** The application shall:

- (i)** Contain a list of the regulated firearms to be purchased or transferred;
- (ii)** State the purpose of the purchase in excess of one regulated firearm in a 30-day period;
- (iii)** Be witnessed by a regulated firearms dealer or designated law enforcement agency; and
- (iv)** Be signed under the penalty of perjury by the applicant.

**(c) Application for purchase of more than one regulated firearm.** The application for a multiple purchase of regulated firearms shall be attached to a completed application to purchase a regulated firearm and forwarded to the Secretary by a licensed regulated firearms dealer or designated law enforcement agency.

**(d) Background investigation.** Upon receipt of the application to purchase a regulated firearm and the application for a multiple purchase, the Secretary shall complete a background investigation as defined in § 442 of this subtitle.

**(e) Sale to disapproved applicant prohibited.** A dealer or person may not sell, rent, or transfer any regulated firearms to a person whose application has been placed on hold because of an open disposition of criminal proceedings against the applicant or disapproved, unless the hold or disapproval has been subsequently withdrawn by the Secretary or overruled by actions of the courts.

**442B. Handgun identification requirements.**

**(a)(1)** In this section the following words have the meanings indicated.

**(2) "Manufacturer"** means any person who possesses a valid Federal license issued by the Secretary of the Treasury that permits that person to engage in the business of manufacturing firearms or ammunition for the purpose of sale or distribution.

**(3) "Projectile"** means that part of handgun ammunition that is, by means of an explosion, expelled through the barrel of the handgun.

**(4) "Shell casing"** means that part of handgun ammunition that contains the primer and propellant powder to discharge the projectile.

**(b)** Any manufacturer that ships or transports a handgun to be sold, rented, or transferred in the state shall include in the box with the handgun in a separate sealed container:

**(1)** A shell casing of a projectile discharged from that handgun; and

**(2)** Additional information that identifies the type of handgun and shell casing as required by the Secretary to meet the provisions of this section.

**(c)** Upon receipt of a handgun from the manufacturer, the dealer shall confirm to the Department of State Police that the manufacturer complied with the provisions of subsection (b).

**(d)** Upon the sale or transfer of the handgun, the dealer shall forward the sealed container to the Department of State Police Crime Laboratory.

**(e)** Upon receipt of the shell casing and required information, the Department of State Police Crime Laboratory shall enter the information in all pertinent databases.

**(f)** The Secretary shall promulgate regulations to carry out the provisions of this section.

**442C. Handgun external safety locks; integrated mechanical safety devices**

**(a)(1)** In this section the following words have the meanings indicated.

**(2) "Authorized user"** means the owner and any person authorized by the owner to possess and use the handgun.

**(3) "External safety lock"** means an external device that is:

- (i)** Attached to a handgun with a key or combination lock; and
- (ii)** Designed to prevent a handgun from being discharged unless the device has been deactivated.

**(4) "Handgun"** has the meaning stated in § 441(n) of this subheading but does not include signal, starter, and blank pistols.

**(5) "Handgun Roster Board"** has the meaning stated in § 36J(a) of this article.

**(6) "Integrated mechanical safety device"** means a disabling or locking device that:

- (i)** Is built into a handgun; and
- (ii)** Is designed to prevent the handgun from being discharged unless the device has been deactivated.

**(7) "Personalized handgun"** means a handgun manufactured with incorporated design technology allowing it to be fired only by a person who is the authorized user of the handgun and that prevents any of the safety characteristics from being readily deactivated.

**(b)** The provisions of this section do not apply to:

**(1)** Purchases, sales, and transport to or by a licensed gun dealer or manufacturer that provides or services a handgun for:

**(i)** Personnel of the United States government or any agency or department of the United States;

**(ii)** Members of the Armed Forces of the United States or the National Guard

**(iii)** Law enforcement personnel of the State or any local law enforcement agency in the State while that personnel is acting within the scope of their official business; and

**(iv)** Organizations that are required by Federal law or regulations governing their specific business or activity to maintain handguns and applicable ammunition;

**(2)** Any firearm modified to render it permanently inoperative;

**(3)** Sales or transfers by any licensed gun dealer or manufacturer covered under paragraph (1) of this subsection;

**(4)** Sales or transfers by a licensed gun dealer or manufacturer to a lawful customer outside the State; or

**(5)** Antique firearms.

**(c)** A dealer may not sell, offer for sale, rent, or transfer in the State any handgun manufactured on or before December 31, 2002 unless the handgun is sold, offered for sale, rented, or transferred with an external safety lock.

**(d)** Beginning on January 1, 2003, a dealer may not sell, offer for sale, rent, or transfer in the state any handgun manufactured after December 31, 2002 unless the handgun has an integrated mechanical safety device.

**(e)(1)** The Handgun Roster Board shall review the status of personalized handgun technology and report its findings to the Governor and, in accordance with § 2-1246 of the State Government Article, to the General Assembly on an annual basis, beginning on or before July 1, 2002.

**(2)** In reviewing the status of personalized handgun technology under paragraph (1) of this subsection, the Handgun Roster Board shall consider:

**(i)** The number and variety of models and calibers of personalized handguns that are available for sale;

**(ii)** Any studies, analyses, or other evaluations of personalized handguns conducted by or commissioned by the National Institute of Justice, any Federal, State, or local law enforcement

laboratory, or any other entity with an expertise in the field of handgun technology; and

(iii) Any other information that the Handgun Roster Board considers relevant.

#### **443. Regulated firearms dealer's license.**

(a) **Required.** No person shall engage in the business of selling, renting, or transferring regulated firearms unless he lawfully possesses and conspicuously displays at his place of business, in addition to any other license required by law, a regulated firearms dealer's license issued by the Secretary. Such license shall identify the licensee and the location of the licensee's place of business. One such license shall be required for each place of business where regulated firearms are sold.

(b) **Expiration date; fees; change of place of business; fingerprint record check.**

(1) The license required by subsection (a) above shall expire on the 30th day of June of each year.

(2) The initial fee for the license shall be \$50, and the annual renewal shall be \$25, payable to the Comptroller of the State of Maryland.

(3) The license shall not be transferable nor shall any refund or proration of the annual fee therefor be allowed. Provided, however, that before any licensee changes his or her place of business, the licensee shall so inform the Secretary and surrender his or her license, whereupon the Secretary shall, if no cause exists for the revocation of the license, issue a new license, without fee, covering the new place of business for the duration of the unexpired term of the surrendered license.

(4) As part of the application for a license, the applicant shall submit to the Department of State Police:

(i) A complete set of the applicant's legible fingerprints taken on standard fingerprint cards; and

(ii) Payment for the cost of the fingerprint card record checks.

(c) **Warning on application.** Every annual application for a regulated firearms dealer's license shall bear the following legend: "Any false information supplied or statement made in this application is a crime which may be punished by imprisonment for a period of not more than 3 years, or a fine of not more than \$5,000 or both."

(d) **Contents of application.** The application for a regulated firearms dealer's license shall contain the following information:

(1) Applicant's name, address, Social Security number, place and date of birth, height, weight, race, eye and hair color and signature. In the event the applicant is a corporation, the application shall be completed and executed by a corporate officer who is a resident of this State.

(2) A clear and recognizable photograph of the applicant, except where such photograph has been submitted with a prior year's application.

(3) A set of the applicant's fingerprints, except where such fingerprints have been submitted with a prior year's application.

(4) A statement by the applicant that he or she:

(i) Is a citizen of the United States.

(ii) Is at least 21 years of age.

(iii) Has never been convicted of:

1. A crime of violence;

2. Any violation classified as a felony in this State;

3. Any violation classified as a misdemeanor in this State that carries a statutory penalty of more than 2 years; or

4. Any violation classified as a common law offense where the person received a term of imprisonment of more than 2 years.

(iv) Is not a fugitive from justice.

(v) Is not a habitual drunkard.

(vi) Is not an addict or a habitual user of any controlled dangerous substances.

(vii) Has never spent more than thirty consecutive days in any medical institution for treatment of a mental disorder or disorders, unless there is attached to the application a physician's certificate, issued within thirty days prior to the date of application, certifying that the applicant is capable of possessing a pistol or revolver without undue danger to himself or herself, or to others.

(e) **Investigation of applicant.** The Secretary shall conduct an investigation in order to determine the truth or falsity of the information supplied and statements made in an application for a regulated firearms dealer's license. If it be thereupon determined that any false information or statement has been supplied or made by the applicant, a written notification is received from the applicant's licensed attending physician that the applicant is suffering from a mental disorder or disorders and is a danger to himself or herself or to others, or that the application has not been properly completed, the Secretary shall forward written notification to the prospective licensee of the Secretary's disapproval of said application.

(f) **Effect of disapproval.** No person shall engage in the business of selling regulated firearms whose application for a regulated firearms dealer's license has been disapproved, unless such disapproval has been subsequently withdrawn by the Secretary or overruled by the action of the courts pursuant to subsection (g) below.

(g) **Appeal of disapproval.** Any person aggrieved by the action of the Secretary may appeal the disapproval of his or her application for a regulated firearms dealer's license to the circuit court of the county where the applicant's intended place of business is to be conducted. Such appeal must be filed not later than thirty days from the date written notification of disapproval to the prospective licensee was mailed by the Secretary. The court wherein an appeal is properly and timely filed shall affirm or reverse the determination of disapproval rendered by the Secretary, depending upon whether it finds that any false information or statement was supplied or made by the applicant, or that the application was not properly completed. A further appeal to the Court of Special Appeals may be prosecuted by either the Secretary or the applicant from the decision reached by the circuit court in accordance with this subsection.

(h) **Suspension of license.** The Secretary shall suspend an issued regulated firearms dealer's license by written notification forwarded to the licensee under any of the following circumstances if the licensee:

(1) Is under indictment for a crime of violence; or

(2) Is arrested for any violation of this subheading that would prohibit the purchase or possession of a regulated firearm.

(i) **Revocation of license.** The Secretary shall revoke an issued regulated firearm dealer's license, by written notification forwarded to the licensee, under any of the following circumstances:

(1) When it is discovered false information or statements have been supplied or made in an application required by this section; or

(2) If the licensee:

(i) Is convicted of a crime of violence;

(ii) Is convicted of any violation classified as a felony in this State;

(iii) Is convicted of any violation classified as a misdemeanor in this State that carries a statutory penalty of more than 2 years;

(iv) Is convicted of any violation classified as a common law offense where the licensee received a term of imprisonment of more than 2 years;

(v) Is a fugitive from justice;

(vi) Is a habitual drunkard;

(vii) Is addicted to or a habitual user of any controlled dangerous substance;

(viii) Has spent more than 30 consecutive days in any medical institution for treatment of a mental disorder or disorders, unless the licensee produces a physician's certificate, issued subsequent to the last period of institutionalization, certifying that the licensee is capable of possessing a regulated firearm without undue danger to himself or herself, or to others;

(ix) Has knowingly or willfully manufactured, offered to sell, or sold a handgun not on the handgun roster in violation of § 36-1 of this article; or

(x) Has knowingly or willfully participated in a straw purchase of a regulated firearm.

(j) **Effect of suspension or revocation.** No person shall engage in the business of selling regulated firearms whose regulated firearms dealer's license has been suspended or revoked, unless such suspension or revocation has been subsequently withdrawn by the Secretary or overruled by the action of the courts pursuant to subsection (k) below.

(k) **Hearing; judicial review.** Any prospective dealer aggrieved by the action of the Secretary may request a hearing within 30 days from the date when written notice was forwarded to such aggrieved person by writing to the Secretary, who shall grant the hearing within 15 days of said request. Said hearing and subsequent proceedings of judicial review, if any, thereupon following shall be conducted in accordance with the provisions of the Administrative Procedure Act. A revocation shall not take effect while an appeal is pending.

#### **443A. Sale or transfer of regulated firearm at gun show.**

(a) **Temporary transfer permit.**

(1) (i) A person who displays a regulated firearm for sale or transfer from a table or fixed display at a gun show shall first obtain a temporary transfer permit from the Secretary.

(ii) The cost of an initial temporary transfer permit each calendar year is \$10.

(iii) An additional temporary transfer permit during the same calendar year shall be issued without charge.

(iv) A person may not receive more than five temporary transfer permits during a single calendar year.

(v) A temporary transfer permit shall be clearly labeled "temporary" and shall include the statement: "This is not a license to engage in the business of selling firearms."

(vi) The application for a temporary transfer permit shall contain any information that is necessary for the Secretary to conduct a computer background investigation.

(vii) Every application for a temporary transfer permit shall bear the following statement: "Any false information supplied or statement made in this application is a crime which may be punished by imprisonment for a period of not more than 3 years or a fine of not more than \$5,000 or both."

(2)(i) The Secretary shall conduct an investigation to determine the truth or falsity of

the information supplied, and the statements made in the application for a temporary transfer permit.

(ii) If there is no reason to disapprove the application for a temporary transfer permit, the Secretary shall issue the permit within 7 days of the date of application.

(3) The Secretary shall forward written notification of the disapproval to the applicant, if it is determined that:

(i) The application is improperly completed;  
(ii) Any false information has been supplied;  
or

(iii) A false statement has been made.

(4) The temporary transfer permit shall be placed in public view as part of any display.

(5) Any person who holds a valid regulated firearms dealer's license issued under § 443 of this article is exempt from the requirements of this subsection.

**(b) Sale or transfer governed by §§ 442 and 442A.** Any sale or transfer of a regulated firearm from a table or a fixed display at a gun show shall be governed by the provisions of §§ 442 and 442A of this article.

**(c) Displays must comply with § 443.** Any person who, in any calendar year, displays a regulated firearm for sale, trade, or transfer at more than five gun shows shall comply with § 443 of this article.

**444. Obliterating, etc., identification mark or number.** It shall be unlawful for anyone to obliterate, remove, change or alter the manufacturer's identification mark or number on any firearms. Whenever on trial for a violation of this section the defendant is shown to have or have had possession of any such firearms, such fact shall be presumptive evidence that the defendant obliterated, removed, changed or altered the manufacturer's identification mark or number.

**445. Restrictions on sale, transfer and possession of regulated firearms.**

**(a) Rights of subordinate jurisdictions.** All restrictions imposed by the laws, ordinances or regulations of all subordinate jurisdictions within the State of Maryland on possession or transfers by private parties of regulated firearms are superseded by this section and the State of Maryland hereby preempts the right of such jurisdictions to regulate the possession and transfer of regulated firearms.

**(b) Sale, rent, or transfer by dealer or person - In general.** A dealer or person may not sell, rent, or transfer a regulated firearm to any person whom he knows or has reasonable cause to believe:

(1) Has been convicted of:

(i) A crime of violence;  
(ii) Any violation classified as a felony in this State or any conspiracy to commit any crimes established by those sections;

(iii) Any violation classified as a misdemeanor in this State that carries a statutory penalty of more than 2 years; or

(iv) Any violation classified as a common law offense where the person received a term of imprisonment of more than 2 years.

(2) Is:

(i) A fugitive from justice;  
(ii) A habitual drunkard;  
(iii) Addicted to or a habitual user of any controlled dangerous substance or substances;

(iv) Suffering from a mental disorder as defined in § 10-101 (f) (2) of the Health-General Article and has a history of violent behavior against another person or self, or has been confined for more than 30 consecutive days to a facility as defined in § 10-101 of the Health-General Article, unless the person possesses a physician's certification that the person is capable of possessing a regulated firearm without undue danger to the person or to others;

eral Article, unless the person possesses a physician's certification that the person is capable of possessing a regulated firearm without undue danger to the person or to others;

(v) Visibly under the influence of alcohol or drugs;

(vi) Under 21 years of age;

(vii) A participant in a "straw purchase" as defined in § 441 of this article; or

(viii) A respondent against whom a current non ex parte civil protective order has been entered under § 4-506 of the Family Law Article.

(3) Is less than 30 years of age at the time of transaction and has been adjudicated delinquent by a juvenile court for committing:

1. A crime of violence;

2. Any violation classified as a felony in this State; or

3. Any violation classified as a misdemeanor in this State that carries a statutory penalty of more than 2 years.

(4) Subject to subsection (b-1) of this section, for an application made on or after January 1, 2002 has completed a certified firearms safety training course conducted free of charge by the Maryland Police Training Commission or that meets standards by the Maryland Police Training Commission as provided Article 41, § 4-201(d-l) of the Code.

**(b-1)** A person is not required to complete a certified firearms training course under subsection (b)(4) of this section and § 442(h)(2) (ix) of this subheading if the person:

(1) Has completed a certified firearms training course required under subsection(b)(4) of this section and § 442(h)(2)(ix) of this subheading;

(2) Is a law enforcement officer of the State or any local law enforcement agency in the State;

(3) Is a member, retired member, or honorably discharged member of the Armed Forces of the United States or the National Guard;

(4) Is a member of an organization that is required by Federal law or regulations governing their specific business or activity to maintain handguns and applicable ammunition; or

(5) Has been issued a permit to carry a handgun under § 36E of this article.

**(c) Same - Minors.** A person may not sell, rent, or transfer:

(1) Ammunition solely designed for a regulated firearm to a person who is under 21 years of age; or

(2) A firearm, other than a regulated firearm, ammunition for a firearm, pepper mace, or other deadly weapon to a minor.

**(d) Restrictions on possession - In general.** A person may not possess a regulated firearm if the person:

(1) Has been convicted of:

(i) A crime of violence;  
(ii) Any violation classified as a felony in this State;

(iii) Any violation classified as a misdemeanor in this State that carries a statutory penalty of more than 2 years; or

(iv) Any violation classified as a common law offense where the person received a term of imprisonment of more than 2 years.

(2) Is:

(i) A fugitive from justice;  
(ii) A habitual drunkard;  
(iii) Addicted to or a habitual user of any controlled dangerous substances;

(iv) Suffering from a mental disorder as defined in § 10-101 (f) (2) of the Health-General Article and has a history of violent behavior against another person or self, or has been confined for more than 30 consecutive days to a facility as defined in § 10-101 of the Health-General Article, unless the person possesses a physician's certification that the person is capable of possessing a regulated firearm without undue danger to the person or to others; or

eral Article, unless the person possesses a physician's certification that the person is capable of possessing a regulated firearm without undue danger to the person or to others; or

(v) A respondent against whom a current non ex parte civil protective order has been entered under § 4-506 of the Family Law Article.

(3) Is less than 30 years of age at the time of possessing and has been adjudicated delinquent by a juvenile court for committing:

1. A crime of violence;

2. Any violation classified as a felony in this State; or

3. Any violation classified as a misdemeanor in this State that carries a statutory penalty of more than 2 years.

**(e) Same - Minors.**

(1) Except as provided in paragraph (2) of this subsection, a person who is under 21 years of age may not possess a regulated firearm or ammunition solely designed for a regulated firearm.

(2) Unless a person is otherwise prohibited from possessing a regulated firearm, this subsection does not apply to:

(i) The temporary transfer or possession of a regulated firearm or regulated firearm ammunition if the person is under 21 years of age and is:

1. Under the supervision of a person at least 21 years of age who is not prohibited by State or federal law from possessing firearms; and

2. Acting with the permission of the parent or legal guardian of the transferee or person in possession;

(ii) The transfer by inheritance of title, and not of possession, of a regulated firearm;

(iii) A person who is a member of the armed forces of the United States or of the national guard while performing official duties;

(iv) The temporary transfer or possession of a regulated firearm or regulated firearm ammunition if the person is under 21 years of age and is:

1. Participating in marksmanship training of a recognized organization; and

2. Under the supervision of a qualified instructor;

(v) A person who is required to possess a regulated firearm for employment purposes and has been issued a permit under § 36E of this article; or

(vi) The possession of a firearm or ammunition for the purpose of self-defense or the defense of others against a trespasser into the residence of the person in possession or into a residence in which the person in possession is an invited guest.

**445A. Purchase of regulated firearms from out-of-state seller.**

**(a) In general.-** Any person who purchases a regulated firearm from an out-of-state licensed importer, licensed manufacturer, or licensed dealer where the regulated firearm will be owned by that person shall:

(1) Have the licensed importer, licensed manufacturer, or licensed dealer ship the regulated firearm to a regulated firearms dealer in this State for processing; and

(2) Comply with §§ 442 and 442A of this subheading.

**(b) Waiting period waived for law enforcement personnel.** The Secretary may waive the 7-day waiting period for law enforcement personnel of the United States government or any agency or department of the United States, members of the armed forces of the United States or of the national guard, or law enforcement personnel of this State or any local agency in this State when the person is purchasing the

regulated firearm for use within the scope of his or her official duties.

**445B. Firearms subject to seizure.** Any regulated firearm sold, rented, transferred, possessed, received, or purchased in violation of this subheading may be seized by a law enforcement agency as contraband and, after a finding of guilt, disposed of in accordance with Title 13, Subtitle 2 of the Criminal Procedure Article.

**446. Sale, transfer, etc., of stolen regulated firearm.** It shall be unlawful for any person to possess, sell, transfer or otherwise dispose of any stolen regulated firearm, knowing or having reasonable cause to believe same to have been stolen.

**447. Antique or unserviceable firearms excepted.** The provisions of this subtitle shall not be construed to include any antique or unserviceable firearms sold or transferred and/or held as curios or museum pieces.

**447A. Marine signal pistols, etc.** This subtitle does not apply to any signal pistol or other visual distress signal approved by the United States Coast Guard for use as a marine safety device.

**448. Regulations.** The Secretary shall promulgate regulations to carry out the provisions of this subheading.

#### **449. Penalties.**

**(a) Penalties generally.** Any person who violates any of the provisions of § 445 (c) of this subheading is guilty of a misdemeanor and upon conviction shall be fined not more than \$1,000 or imprisoned for not more than 1 year or both.

**(b) False information or material misstatement on application.** Any person who knowingly gives any false information or makes any material misstatement in an application to purchase a regulated firearm or an application for a regulated firearms dealer's license shall be guilty of a misdemeanor and upon conviction be fined not more than \$5,000 or imprisoned for not more than 3 years, or both.

**(c) Violation of 30-day purchase period.** Any person who violates any of the provisions of § 442A of this subheading is guilty of a misdemeanor and shall upon conviction be fined not more than \$5,000 or imprisoned for not more than 3 years or both.

**(d) Knowing participants in straw purchase or trafficking.** Any person or dealer who is a knowing participant in a straw purchase of a regulated firearm to a prohibited person or to a minor, or transports regulated firearms into this State for the purpose of illegal sale or trafficking of a regulated firearm shall be guilty of a misdemeanor and upon conviction be fined not more than \$25,000 or imprisoned for not more than 10 years, or both. Each violation shall be considered a separate offense.

**(e)** A person who was previously convicted of a crime of violence as defined in § 441(e) of this article or convicted of a violation of § 286 or § 286A of this article, and who is in illegal possession of a firearm as defined in § 445(d)(1)(i) and (ii) of this article, is guilty of a felony and upon conviction shall be imprisoned for not less than 5 years, no part of which may be suspended and the person may not be eligible for parole. Each violation shall be considered a separate offense.

**(f) Knowing participants in sale, rental, etc.** Except as otherwise provided in this section, any dealer or person who knowingly participates in the illegal sale, rental, transfer, purchase, possession, or receipt of a regulated firearm in violation of this subheading shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$10,000 or imprisoned for not more

than 5 years, or both. Each violation shall be considered a separate offense.

### **Rifles and Shotguns**

**481A. Purchase from licensed dealer in adjoining state.** It shall be lawful for any Maryland resident to purchase a rifle or shotgun from a federally licensed gun dealer in an adjoining state provided the purchaser is eligible to purchase a rifle or shotgun under the laws of such state.

**481B. Purchase by resident of adjacent state from licensed dealer in Maryland.** It shall be lawful for any resident of an adjacent state (Pennsylvania, Delaware, Virginia, West Virginia) to purchase a rifle or shotgun from a federally licensed gun dealer in this State provided the purchaser is eligible to purchase a rifle or shotgun under the laws of the State of Maryland.

**481C. Possession of short-barreled rifles and short-barreled shotguns prohibited - exceptions - penalty.**

**(a) (1)** In this section, the following words have the meanings indicated.

**(2) "Rifle"** means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

**(3) "Short-barreled shotgun"** means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

**(4) "Short-barreled rifle"** means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than 26 inches.

**(5) "Shotgun"** means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

**(6)** The terms short-barreled shotgun and short-barreled rifle do not include:

**(i)** Antique firearms as defined in section 36F(c) of this article;

**(ii)** Any device which is neither designed nor redesigned for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; or

**(iii)** Any firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

**(b) Possession of short-barreled rifle or short-barreled shotgun prohibited.** Except as provided in subsection (c), a person may not possess a short-barreled rifle or short-barreled shotgun.

#### **(c) Exceptions; registration.**

**(1)** The provisions of subsection (b) of this section do not apply to the following individuals, while on official business:

**(i)** Law enforcement personnel of the United States or of this State, or of any political subdivision of this State;

**(ii)** A member of the armed forces of the United States or the National Guard while on duty or travelling to or from duty;

**(iii)** Law enforcement personnel of another state or of a political subdivision of another state, while temporarily in this State;

**(iv)** A jailer, prison guard, warden, or guard or keeper of any penal, correctional, or detention institution in this State; and

**(v)** A sheriff, and a temporary or full-time deputy sheriff.

**(2)** A person may possess a short-barreled shotgun or short-barreled rifle which has been registered with the United States government in accordance with United States statutes. In any prosecution under this section, the defendant has the burden of proving the lawful registration of the short-barreled shotgun or short-barreled rifle.

**(d) Penalty.** Any person violating the provisions of this section is guilty of a misdemeanor and upon conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding five years, or both.

**481D. Possession by persons suffering from mental disorder having history of violent behavior.**

**(a) In general.** A person may not possess a rifle or a shotgun if the person is suffering from a mental disorder as defined in § 10-101 (f) (2) of the Health-General Article and has a history of violent behavior against another person or self, or has been confined for more than 30 consecutive days to a facility as defined in § 10-101 of the Health-General Article, unless the person possesses a physician's certification that the person is capable of possessing a rifle or a shotgun without undue danger to the person or to others.

**(b) Penalty.** Any person violating the provisions of this section is guilty of a misdemeanor and upon conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding 3 years, or both.

*[Current through 2001 Regular Session, including 2001 Md. Laws 35 (SB 381)]*

## **Annapolis Municipal Code**

### **Title 11. Public Peace, Morals And Welfare Chapter 11.44. Weapons**

**11.44.030. Firearms and ammunition - Register of purchasers.** Each person engaged in the business of selling or exchanging any firearms, except shotguns and air and cat rifles, or ammunition, shall keep a register of the name and address of the person purchasing any firearms, cartridges or other ammunition, noting the make, caliber and date of purchase. The register shall be open to the inspection of the police at all times.

**11.44.040. Firearms and ammunition - Registration of sellers.** Each person engaged in the business of selling or exchanging any kind of firearms or ammunition shall register his name and place of business with the city clerk.

**11.44.050. Firearms and ammunition--Minors under eighteen years.**

**A.** A person, whether a licensed dealer or not, may not sell, barter or give away any firearms, other deadly weapons or any ammunition to any minor under the age of eighteen years, except with the express written permission of a parent or guardian of the minor.

**B.** This section does not apply to a member of any organized militia in the state, when the member is engaged in supervised training, marksmanship activities or any other performance of the member's official duty. The restrictions or limitations contained in this section also do not apply to any adult or qualified supervisor or instructor of a recognized organization engaged in the instruction of marksmanship.

**11.44.060. BB guns, slingshots, bows and arrows, large rocks and similar devices.**

**A.** A person may not sell, give away, lend or otherwise transfer to any minor under the age of eighteen years, except with the express permission of a parent or guardian of the minor, any BB gun, any slingshot, any bow and arrow, or any other device by whatever name or description known, designed to discharge a pellet or other object by force of a spring, elastic band, gas cylinder, air cylinder, gas cartridge or air cartridge.

**B.** A person may not discharge or use any BB gun, slingshot, bow and arrow or device, except on private property with the express permission of the owner or other person entitled to possession of the property and in a manner to prevent the discharged pellet or object from traversing any grounds or space outside the limits of the property, or except at an indoor or outdoor target range under the supervision of an adult.

**C.** Nothing in this section makes lawful anything otherwise prohibited by law.

**D.** Any violation of this section is a misdemeanor punishable by a fine of not more than one hundred dollars or imprisonment for not more than ninety days, or both in the discretion of the court.

[Annapolis Municipal Code current through Ordinance O-33-01 & Sept. 2001 code update.]

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**Code County of Anne Arundel**

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**Division III. Crimes and Punishments  
Article 11. Crimes and Civil Penalties  
Title 4. Weapons**

**4-101. Possession or discharge of firearms.**

**(a)** In this section, "firearm" includes a rifle, handgun, or shotgun as those terms are defined in Article 27, § 36F of the State Code.

**(b)** This section does not apply to a police officer acting in the line of duty. ...

**(e)** A person may not possess or discharge a firearm on the property of another unless, at the time of the possession or discharge of the firearm, the person has the express written permission of the owner, occupant, or lessee of the property on which the firearm is possessed or discharged. The written permission shall be signed by the owner, occupant, or lessee, shall include the dates on which the possession or discharge is authorized, and shall specify the parcel or property for which permission is granted. The written permission shall identify the persons for whom permission is granted, and the permission may not be transferred to another person or inferred or implied to include companions of authorized persons. When properly executed, a writing substantially in the following form is sufficient to constitute the written permission required by this subsection:

"I, \_\_\_\_\_ (owner, occupant, or lessee) hereby authorize \_\_\_\_\_ to possess or

discharge any weapon or firearm on my property known as \_\_\_\_\_ and such permission is granted for the following time(s): \_\_\_\_.

(owner, occupant, or lessee)"

**4-102. Bows and arrows, BB guns, slingshots, and the like.**

**(a)** In this section, "weapon" means a bow and arrow, BB gun, slingshot, or other device designed to discharge a pellet or other object by force of a spring, elastic band, gas cylinder, air cylinder, or gas or air cartridge.

**(b)** A person may not sell, give away, lend, or otherwise transfer a weapon to a minor. ...

**(g)** A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$500 or imprisonment not exceeding 60 days or both.

**4-102.1. Electronic weapons; prohibited acts.**

**(a)** In this section "electronic weapon" means a "stun gun" or any similar device by whatever name that is designed as a weapon capable of injuring an individual by the discharge of electrical current.

**(b)** A person may not sell, give away, lend, rent, or transfer an electronic weapon in the County.

**(c)** A person may not possess or discharge an electronic weapon in the County.

**(d)** A person violating any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000 or imprisonment not exceeding six months or both.

**4-103. Explosives.**

**(a)** Except in a place for blasting or in the course of transportation, a person may not store or possess more than 100 pounds of gunpowder or any quantity of dynamite, nitroglycerine, or other explosive in the County.

**(b)** A person who violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$300. If a corporation violates any provision of this section, the president of the corporation or any officer or member of its board of directors may be prosecuted for the violation.

**Division V. Land Use, Development, and Environmental Protection**

**Article 28. Zoning  
Title 2. Residential Districts  
Subtitle 1. In General**

**2-105. Home occupations.**

**(a)** Subject to the provisions of this section, the following home occupations are permitted in a dwelling unit in any district in which home occupations are a permitted use: ...

**(11)** repair and maintenance, but not sale, of firearms, including handguns, rifles, shotguns, and antique firearms, as those terms are defined in Article 27, § 36F of the State Code, provided that a sign identifying the home occupation is not permitted.

(Code County of Anne Arundel codified through Bill No. 43-01, enacted June 21, 2001.)

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**Code of Ordinances  
City of Gaithersburg**

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**Chapter 15. Offenses - Miscellaneous**

**15-16. Weapons - Possession on streets.** It shall be unlawful for any person, other than a law enforcement officer, to have in his possession while on the streets of the city any revolver, pistol, blackjack, brass knuckles, razor or other dangerous weapon, except unloaded guns used for the hunting of game.

[Code of Ordinances City of Gaithersburg codified through Ord. No. O-14-01, enacted Aug. 6, 2001]

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**Code of the City of Hagerstown**

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**Chapter 173. Peace and Good Order**

**173-11. Firearms and other weapons.**

**A.** It shall be unlawful for any person to fire, discharge or shoot a gun, firearm, air gun, blow-gun, spring gun, gas-operated gun, blowpipe, slingshot, bean shooter or any other contrivance manufactured and calculated to throw, sling or discharge any shot or other missile within the City limits, and it shall be unlawful for any person, other than a law enforcement officer or a duly licensed person, to possess any such weapon upon the streets, alleys or other public ways of the City except while transporting such weapon from the place of purchase to his home or from his home to a point outside the City boundaries and returning.

**B.** It shall be unlawful for any parent or other person standing in loco parentis is to knowingly permit a minor to do any act in violation of the provisions of Subsection A.

[Code of the City of Hagerstown updated through Sept. 20, 2001]

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**Code County of Howard**

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**Title 8. Crimes and Misdemeanors  
Subtitle 4. Firearms Controls**

**8.400. Definitions.** The following words and phrases shall, for the purpose of this subtitle, have the meanings respectively ascribed to them in this section:

**Blank ammunition:** Any ammunition composed of a casing and a primer contained as one unit, but not containing a projectile or projectiles. Blank ammunition also includes black powder, nonprimed antique.

**Department of police:** The department of police for Howard County.

**Electronic weapon:** Any instrument, "stun-gun," or any similar device by whatever name which is designed as a weapon, capable of, or designed to be capable of, injuring another by the discharge of electrical current through projectile or nonprojectile means.

**Fixed ammunition:** Any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

**Gun:** Any firearm, rifle, shotgun, revolver, pistol, air gun, air rifle or any similar mechanism by whatever name known which is designed to expel a projectile through a barrel by the action of any explosive, gas, compressed air, spring, or elastic.

**Metropolitan district:** The Howard County Metropolitan District as created and modified by the county council pursuant to Howard County Code title 18, "Public Works," subtitle 1, "Public Utilities," and identified on official plats available

for public inspection during reasonable office hours in the department of public works.

**8.402. Carrying or discharging of guns by person under sixteen years of age; penalty.**

(a) It shall be unlawful for any person under the age of sixteen (16) years not legally engaged in hunting game in that area not within the metropolitan district to carry or discharge a gun whatsoever at any time within the county unless under the immediate supervision of a person eighteen (18) years of age or over at the time of shooting.

(b) This section shall not apply to persons under sixteen (16) years of age carrying or discharging guns in areas not within the metropolitan district which expel projectiles by gas, compressed air, spring or elastic power, where the persons have completed a course approved by the department of police in the safe operation of guns. The course completion shall be evidenced by a certificate to be issued by the department of police and shall be displayed upon reasonable demand by a law enforcement officer.

(c) A law enforcement officer may impound the gun of any person who shall violate the provisions of this section.

**8.403. Exemptions from provisions of subtitle.** Nothing in this subtitle shall be deemed to prohibit the owner or tenant of any land from carrying or discharging a gun on their land for the purpose of killing animals which are preying upon, damaging or destroying their property, livestock or crops. This subtitle shall not prohibit the carrying or discharging of any gun by licensed hunters, lawfully hunting in season on their owned or leased property, not within the metropolitan district or if on the property of another, not within the metropolitan district, with the prior written permission of the property owner or person in lawful possession. Further, nothing in this subtitle shall prohibit the carrying or discharging of shotguns by licensed hunters, lawfully hunting in season on their owned or leased property of not less than ten (10) acres within the metropolitan district, or if on the property of another of not less than ten (10) acres within the metropolitan district with the prior written permission of the property owner or person in lawful possession.

**8.404. Sale or possession of electronic weapons prohibited.** It shall be unlawful for any person, firm or corporation to sell, give away, lend, rent or transfer to any individual, firm or corporation an electronic weapon within the limits of Howard County. It further shall be unlawful for any person to possess, fire, discharge or activate any electronic weapon within the limits of Howard County.

**8.405. Penalty for violations of subtitle.** Any person who shall violate any of the provisions of this subtitle shall, upon conviction thereof, be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed six (6) months in jail, or both. Any law enforcement officer witnessing a violation of this subtitle may, as an alternative to making an arrest, issue unto such violator a "Notice of Violation," which notice, in addition to such factors as may otherwise be required, shall specify the violation with which such violator is charged and shall set forth the hour, date and location that such violator is summoned to appear before the district court for the county to answer the charge.

[Code County of Howard codified through Council Bill No. 25, enacted May 23, 2001]

## Montgomery County Code

### Chapter 57. Weapons

**57-1. Definitions.** In this Chapter, the following words and phrases have the following meanings:

**Child safety handgun box:** A secure, lockable box designed to hold the handgun being transferred that:

- (1) requires a key or combination to remove;
- (2) renders the handgun inoperable when locked; and
- (3) is approved by Executive regulation under method (2).

**Child safety handgun device:** A child safety handgun lock or child safety handgun box.

**Child safety handgun lock:** A device that when locked in place prevents movement of the trigger of the handgun being transferred without first removing the lock by use of a key or combination. "Child safety handgun lock" also includes any other device that can be attached to a handgun and:

- (1) requires a key or combination to remove;
- (2) renders the handgun inoperable when locked in place; and
- (3) is approved by Executive regulation under method (2).

**Crime of violence:** Murder, voluntary manslaughter, rape, mayhem, kidnapping, robbery, burglary, housebreaking, arson, assault with intent to murder, ravish or rob, assault with deadly weapon or assault with intent to commit any offense punishable by imprisonment for more than one (1) year.

**Firearm dealer:** A person required by State or federal law to obtain a:

- (1) regulated firearms dealer's license; or
- (2) temporary transfer permit to display a regulated firearm at a gun show.

**Fixed ammunition:** Any ammunition composed of a projectile or projectiles, a casing, an explosive charge and a primer, all of which shall be contained as one (1) unit. Cartridges designed, made and intended to be used exclusively (i) in a device for signaling and safety purposes required or recommended by the United States Coast Guard or (ii) for industrial purposes, shall not be considered fixed ammunition. Curios or relics, as defined in regulations promulgated by the United States Secretary of the Treasury pursuant to 18 United States Code, section 921(A)(13), shall not be considered fixed ammunition.

**Fugitive from justice:** Any person for whom criminal proceedings have been instituted, warrant issued or indictment presented to the grand jury, who has fled from a sheriff or other peace officer within this state, or who has fled from any state, territory, District of Columbia or possession of the United States, to avoid prosecution for crime of violence or to avoid giving testimony in any criminal proceeding involving a felony or treason.

**Gun or firearm:** Any rifle, shotgun, revolver, pistol, air gun, air rifle or any similar mechanism by whatever name known which is designed to expel a projectile through a gun barrel by the action of any explosive, gas, compressed air, spring or elastic.

(1) The term "antique firearm" means (a) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and (b) any replica of any firearm described in subparagraph (a) if such replica (i) is not de-

signed or redesigned or using rimfire or conventional centerfire fixed ammunition, or (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(2) "Handgun" means any pistol, revolver or other firearm capable of being concealed on the person, including a short-barreled shotgun and a short-barreled rifle as these terms are defined below. "Handgun" does not include a shotgun, rifle, or antique firearm.

(3) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(4) The term "short-barreled rifle" means a rifle having one (1) or more barrels less than sixteen (16) inches in length and any weapon made from a rifle (whether by alteration, modification or otherwise) if such weapon, as modified, has an overall length of less than twenty-six (26) inches.

(5) The term "short-barreled shotgun" means a shotgun having one (1) or more barrels less than eighteen (18) inches in length and any weapon made from a shotgun (whether by alteration, modification or otherwise) if such weapon as modified has an overall length of less than twenty-six (26) inches.

(6) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

**Gun shop:** An establishment where a handgun, rifle, or shotgun, or ammunition or major component of these guns is sold or transferred. "Gun shop" does not include an area of an establishment that is separated by a secure, physical barrier from all areas where any of these items is located.

**Gun show:** Any organized gathering where a gun is displayed for sale.

**Minor:** An individual younger than 18 years old.

**Pistol or revolver:** Any gun with a barrel less than twelve (12) inches in length that uses fixed ammunition.

**Place of public assembly:** A "place of public assembly" is a government owned park identified by the Maryland-National Capital Park and Planning Commission; place of worship; elementary or secondary school; public library; government-owned or -operated recreational facility; or multipurpose exhibition facility, such as a fairgrounds or conference center. A place of public assembly includes all property associated with the place, such as a parking lot or grounds of a building.

**Sell or purchase:** Such terms and the various derivatives of such words shall be construed to include letting on hire, giving, lending, borrowing or otherwise transferring.

**Sporting use:** "Sporting use" of a firearm and ammunition means hunting or target shooting in compliance with all federal, State, and local laws. Sporting use includes:

(a) participation in a managed hunt sponsored by a government agency; and

(b) the sale or other transfer of ammunition by a sporting club for immediate, on-site use at the club. ...

**Vehicle:** Any motor vehicle, as defined in the Transportation Article of the Annotated Code of Maryland, trains, aircraft and vessels.

**57-7. Access to guns by minors.**

(a) A person must not give, sell, rent, lend, or otherwise transfer any rifle or shotgun or any ammunition or major component for these guns in the County to a minor. This subsection does not apply when the transferor is at least 18 years old and is the parent, guardian, or instructor of the minor, or in connection with a regularly conducted or supervised program of marksmanship or marksmanship training.

(b) An owner, employee, or agent of a gun shop must not allow a minor to, and a minor must not, enter the gun shop unless the minor is accompanied by a parent or other legal guardian at all times when the minor is in the gun shop.

(c) This section must be construed as broadly as possible within the limits of State law to protect minors.

**57-8. Child safety handgun devices and handguns.**

**(a) Findings. ...**

**(b) Child safety handgun device.**

(1) A firearm dealer who sells, leases, or otherwise transfers a handgun in the County must provide to the recipient of the handgun a child safety handgun device for the handgun at the time of the transfer. The dealer may charge for the child safety handgun device.

(2) A person who purchases or otherwise receives a handgun from a firearm dealer (or any transferor who would be a firearm dealer if the transfer occurred in the State) after October 8, 1997 must obtain a child safety handgun device for the handgun:

(A) at the time of a transfer in the County; or

(B) before entering the County with the handgun if the transfer occurred outside the County and the transferee resides in the County.

**(c) Notices.**

(1) A firearm dealer who sells, leases, or otherwise transfers a handgun must post conspicuously in the dealer's place of business a notice of:

(A) the requirement in subsection (b) for a child safety handgun device; and

(B) the prohibition in State law of storing or leaving a loaded firearm in a location where an unsupervised child can gain access to the firearm.

(2) If the firearm dealer transferring a handgun does not maintain a place of business in a commercial establishment, the dealer must provide the notices required by paragraph (1) in writing when transferring the handgun.

(d) **Enforcement.** The Department of Health and Human Services and any other department designated by the County Executive enforces this section.

(f) **Regulations.** The Executive may adopt regulations under method (2) to implement this Section.

**57-9. Unlawful ownership or possession of firearms.** It shall be unlawful for any person to use, carry, transport or keep a rifle or shotgun, or discharge a pistol, or to have a rifle or shotgun in his possession, custody or control within the county, if:

(a) He is an unlawful user of or addicted to marijuana or any depressant or stimulant drug or narcotic drug (as defined in article 27, section 277 of the Annotated Code of Maryland, 1957, as amended), or is under treatment for such addiction; or

(b) He has been convicted in any court of a crime of violence, or of trafficking in narcotics or of a criminal violation of any of the provisions of

article 27, sections 441 to 448, subtitle "pistols," Annotated Code of Maryland, 1957, as amended, or any federal firearms control law; or

(c) He is a fugitive from justice; or

(d) He has been confined to any hospital or institution for treatment of a mental disorder or for mental illness unless a licensed physician has by affidavit stated that he is familiar with the person's history of mental illness and that in his opinion the person is not disabled by such illness in a manner which should prevent his possessing a rifle or a shotgun; or

(e) He has been confined to any hospital or institution for treatment of alcoholism unless a licensed physician has by affidavit stated that he is familiar with the person's history of alcoholism and that, in his opinion, the person is no longer suffering from a disability in such a manner which should prevent his possessing a rifle or shotgun.

**57-10. Keeping guns on person or in vehicles.** It shall be unlawful for any person to have upon his person, concealed or exposed, or in a motor vehicle where it is readily available for use, any gun designed to use explosive ammunition unless:

(a) **Lawful mission.** Such person is then engaged upon a lawful mission for which it is necessary to carry a gun upon his person; or

(b) **Special guard, special police, etc.** Such person is employed as a special guard, special police officer or special detective and has been lawfully deputized by the sheriff for the county, or has been appointed a constable in the county, or has been licensed under the laws of the state, should such a law be enacted, to carry such gun and then is on or in the immediate vicinity of the premises of any employer whose occupation lawfully requires the employment of a person carrying a gun while in the discharge of the duties of such employment; or

(c) **Military service.** Such person is then lawfully engaged in military service or as a duly authorized peace officer; or

(d) **Hunting, target practice, etc.** Such person is engaged in lawful hunting, drill, training or target practice on property of which he is the owner or lessee or on property with the prior permission of the owner or lessee thereof; or

(e) **Going to or returning from hunting, target practice, etc.** Such person is engaged in going to or from lawful hunting, drill training or target practice, or in delivering such gun to or carrying it from a gunsmith or repairman, or is engaged in any other lawful transfer of possession; provided, that such person shall be on or traveling upon a public highway or property of which he is the owner or lessee or on property with the prior permission of the owner or lessee thereof; provided further, that such gun shall not be loaded with explosive ammunition.

**57-11. Firearms in or near places of public assembly.**

(a) A person must not sell, transfer, possess, or transport a handgun, rifle, or shotgun, or ammunition for these firearms, in or within 100 yards of a place of public assembly.

(b) This section does not:

(1) prohibit the teaching of firearms safety or other educational or sporting use in the areas described in subsection (a);

(2) apply to a law enforcement officer, or a security guard licensed to carry the firearm;

(3) apply to the possession of a firearm or ammunition in the person's own home;

(4) apply to the possession of one firearm, and ammunition for the firearm, at a business by either the owner or one authorized employee of the business;

(5) apply to the possession of a handgun by a person who has received a permit to carry the handgun under State law; or

(6) apply to separate ammunition or an unloaded firearm:

(A) transported in an enclosed case or in a locked firearms rack on a motor vehicle; or

(B) being surrendered in connection with a gun turn-in or similar program approved by a law enforcement agency.

(c) This section does not prohibit a gun show at a multipurpose exhibition facility if:

(1) the facility's intended and actual primary use is firearms sports (hunting or target, trap, or skeet shooting) or education (firearms training); or

(2) no person who owns or operates the facility or promotes or sponsors the gun show received financial or in-kind support from the County (as defined in Section 57-13(a)) during the preceding 5 years, or after December 1, 2001, whichever is shorter; and

(A) no other public activity is allowed at the place of public assembly during the gun show; and

(B) if a minor may attend the gun show:

(i) the promoter or sponsor of the gun show provides to the Chief of Police, at least 30 days before the show:

(a) photographic identification, fingerprints, and any other information the Police Chief requires to conduct a background check of each individual who is or works for any promoter or sponsor of the show and will attend the show; and

(b) evidence that the applicant will provide adequate professional security personnel and any other safety measure required by the Police Chief, and will comply with this Chapter; and

(ii) the Police Chief does not prohibit the gun show before the gun show is scheduled to begin because:

(a) the promoter or sponsor has not met the requirements of clause (i); or

(b) the Police Chief has determined that an individual described in clause (i)(a) is not a responsible individual.

(d) Notwithstanding subsection (a), a gun shop owned and operated by a firearms dealer licensed under Maryland or federal law on January 1, 1997, may conduct regular, continuous operations after that date in the same permanent location under the same ownership if the gun shop:

(1) does not expand its inventory (the number of guns or rounds of ammunition displayed or stored at the gun shop at one time) or square footage by more than 10 percent, or expand the type of guns (handgun, rifle, or shotgun) or ammunition offered for sale since January 1, 1997;

(2) has secure locks on all doors and windows;

(3) physically secures all ammunition and each firearm in the gun shop (such as in a locked box or case, in a locked rack, or with a trigger lock);

(4) has adequate security lighting;

(5) has a functioning alarm system connected to a central station that notifies the police; and

(6) has liability insurance coverage of at least \$1,000,000.

**57-12. Sale of fixed ammunition.**

(a) **Legislative intent.** The purpose of this section is to provide support to state and local law enforcement officials in their efforts against crime and violence by placing controls on the flow of dangerous ammunition, in addition to those provided by federal law, and to encourage



compliance with the state police department's program of voluntary firearm registration. It is not the purpose of this section to place any undue or unnecessary restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to the purpose of hunting, trapshooting, target shooting, personal protection, or any other lawful activity, or to discourage or eliminate the private ownership or use of firearms by law-abiding citizens for lawful purposes. It is not the purpose of this section to create, nor does it permit the creation of, any separate system of county registration of firearms or ammunition, or the levying of any county fee in connection with any registration of firearms or ammunition. It is specifically not the intent of this section to serve as a revenue generating measure.

**(b) Registration of ammunition dealers.** Any ammunition dealer (as defined in 18 United States Code, section 921 et seq.) who conducts business in Montgomery County is required to register with the Montgomery County department of police by maintaining on file with that department, at all times, a valid, current copy of his federal ammunition dealer's license.

**(c) Conditions for sale.** No ammunition dealer may sell fixed ammunition to any other person, unless:

- (1) The sale is made in person;
- (2) The purchaser exhibits, at the time of sale, a valid registration certificate or, in the case of a nonresident, proof that the firearm is lawfully possessed in the jurisdiction where the purchaser resides;
- (3) The fixed ammunition to be sold is of the same caliber or gauge as the firearm described in the registration certificate, or other proof in the case of a nonresident; and
- (4) The purchaser signs a receipt for the ammunition which shall be maintained by the licensed dealer for a period of one (1) year from the date of sale.

**(d) Exceptions.** The provisions of this section shall not apply to the sale of fixed ammunition:

(1) Which is suitable for use only in rifles or shotguns generally available in commerce, or to the sale of component parts of these types of ammunition;

(2) To any person licensed to possess fixed ammunition under an act of Congress and the law of the jurisdiction where the person resides or conducts business; or

(3) To any law enforcement officer of federal, state, local or any other governmental entity, if the officer has in his possession a statement from the head of his agency stating that the fixed ammunition is to be used in the officer's official duties.

**(e) Penalties.** Any ammunition dealer who sells fixed ammunition in violation of the provisions of this section shall be guilty of a class C violation, pursuant to section 1-19 of the Montgomery County Code, punishable only by a civil penalty in the amount of fifteen dollars (\$15.00).

**(f) Exception for incorporated municipalities.** This section shall not be effective in any incorporated municipality which by law has authority to enact a law on the same subject. If any such incorporated municipality adopts this section and requests the county to enforce the adopted provisions thereof within its corporate limits, the county may thereafter administer and enforce the same within the incorporated municipality. The county executive is authorized to enter into agreements with incorporated municipalities to enforce and administer the provisions so adopted and to collect the administrative costs of implementation from such municipalities.

**[Publisher's note:** This section was held to be invalid by the Court of Appeals in *Montgomery County, Maryland, et al. v. Atlantic Gunds, Inc., et al.*, 302 Md. 540, 489 A.2d 1114 (1985), and interpreted in *Washington Suburban Sanitary Commission v. Elgin*, 53 Md.App. 452, 454 A.2d 408 (1983).]

#### 57-13. Use of public funds.

**(a)** The County must not give financial or in-kind support to any organization that allows the display and sale of guns at a facility owned or controlled by the organization. Financial or in-kind support means any thing of value that is not generally available to similar organizations in the County, such as a grant, special tax treatment, bond authority, free or discounted services, or a capital improvement constructed by the County.

**(b)** An organization referred to in subsection (a) that receives direct financial support from the County must repay the support if the organization allows the display and sale of guns at the organization's facility after receiving the County support. The repayment must include the actual, original value of the support, plus reasonable interest calculated by a method specified by the Director of Finance.

**[Publisher's note:** 2001 L.M.C., ch. 11, §2 provides that §57-13 applies to (1) support that an organization receives from the county after Dec. 1, 2001 and (2) the display of a gun for sale at the facility after Dec. 1, 2001, and that §57-13 expires on Dec. 1, 2011.]

**57-14. Exemptions from Chapter.** Nothing in this Chapter applies to the purchase, ownership or possession of bona fide antique guns which are incapable of use as a gun. Except as provided in Sections 57-7 and 57-11, nothing in this Chapter prohibits the owner or tenant of any land from carrying or discharging a firearm on that land for the purpose of killing predatory animals which prey on, damage or destroy property, livestock, or crops.

**57-15. Penalty.** Any violation of this Chapter or a condition of an approval certificate issued under this Chapter is a Class A violation to which the maximum penalties for a class A violation apply. Any violation of Section 57-8 is a Class A civil violation.

**[Montgomery County Code current as of Sept. 15, 2001]**

## MASSACHUSETTS MASS. GEN. L.

### Chapter 140. Licenses - Sale of Firearms

**121. Firearms sales; definitions; antique firearms; application of law; exceptions.** As used in sections 122 to 131P, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:

**"Ammunition"**, cartridges or cartridge cases, primers (igniter), bullets or propellant powder designed for use in any firearm, rifle or shotgun. The term "ammunition" shall also mean tear gas cartridges, chemical mace or any device or instrument which contains or emits a liquid, gas, powder or any other substance designed to incapacitate.

**"Assault weapon"**, shall have the same meaning as a semiautomatic assault weapon as defined in the federal Public Safety and Recreational Firearms Use Protection Act, 18 U.S.C. section 921(a)(30), and shall include, but not be limited to, any of the weapons, or copies or duplicates of the weapons, of any caliber, known as: (i) Avtomat Kalashnikov (AK) (all models); (ii) Action Arms Israeli Military Industries UZI and Galil; (iii) Beretta Ar70 (SC-70); (iv) Colt AR-15; (v) Fabrique National FN/FAL, FN/LAR and FNC; (vi) SWD M-10, M-11, M-11/9 and M-12; (vi) Steyr AUG; (vii) INTRATEC TEC-9, TEC-

DC9 and TEC-22; and (viii) revolving cylinder shotguns, such as, or similar to, the Street Sweeper and Striker 12; provided, however, that the term assault weapon shall not include: (i) any of the weapons, or replicas or duplicates of such weapons, specified in appendix A to 18 U.S.C. section 922, as such weapons were manufactured on October 1, 1993; (ii) any weapon that is operated by manual bolt, pump, lever or slide action; (iii) any weapon that has been rendered permanently inoperable or otherwise rendered permanently unable to be designated a semiautomatic assault weapon; (iv) any weapon that was manufactured prior to the year 1899; (v) any weapon that is an antique or relic, theatrical prop or other weapon that is not capable of firing a projectile and which is not intended for use as a functional weapon and cannot be readily modified through a combination of available parts into an operable assault weapon; (vi) any semiautomatic rifle that cannot accept a detachable magazine that holds more than five rounds of ammunition; or (vii) any semiautomatic shotgun that cannot hold more than five rounds of ammunition in a fixed or detachable magazine.

**"Conviction"**, a finding or verdict of guilt or a plea of guilty, whether or not final sentence is imposed.

**"Firearm"**, a pistol, revolver or other weapon of any description, loaded or unloaded, from which a shot or bullet can be discharged and of which the length of the barrel or barrels is less than 16 inches or 18 inches in the case of a shotgun as originally manufactured; provided, however, that the term firearm shall not include any weapon that is: (i) constructed in a shape that does not resemble a handgun, short-barreled rifle or short-barreled shotgun including, but not limited to, covert weapons that resemble key-chains, pens, cigarette-lighters or cigarette-packages; or (ii) not detectable as a weapon or potential weapon by x-ray machines commonly used at airports or walk-through metal detectors.

**"Gunsmith"**, any person who engages in the business of repairing, altering, cleaning, polishing, engraving, blueing or performing any mechanical operation on any firearm, rifle, shotgun or machine gun.

**"Imitation firearm"**, any weapon which is designed, manufactured or altered in such a way as to render it incapable of discharging a shot or bullet.

**"Large capacity feeding device"**, (i) a fixed or detachable magazine, box, drum, feed strip or similar device capable of accepting, or that can be readily converted to accept, more than ten rounds of ammunition or more than five shotgun